

ORDINANCE NO. _____

1 AN ORDINANCE amending Chapter 5.56 of the Lincoln Municipal Code relating to
2 Emergency Alarm Systems by amending Section 5.56.010 to revise and add definitions; amending
3 Sections 5.56.025 and 5.56.030 to require fire alarm businesses and fire alarm users, respectively,
4 to obtain the permits required in this chapter; amending Sections 5.56.040, 5.56.050, and 5.56.055
5 to provide fees for false fire alarms; and repealing Sections 5.56.010, 5.56.025, 5.56.030, 5.56.040,
6 5.56.050, and 5.56.055 of the Lincoln Municipal Code as hitherto existing.

7 WHEREAS, false alarms from fire alarm systems in the City of Lincoln have burdened
8 the response capabilities of Lincoln's Fire and Rescue Department by necessitating the diversion
9 of personnel and vehicles to non-emergency situations, resulting in significant commitments of City
10 resources and personnel; and

11 WHEREAS, the purpose of this Ordinance is to discourage the excessive number of
12 false fire alarms by providing a system of fees for repeat offenders by fire alarm users within the
13 limits of the City of Lincoln, Nebraska.

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

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

17 **5.56.010 Definitions.**

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

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

1 **Alarm Review Board** shall mean a ~~five~~six-member board comprised of persons appointed
2 by the Mayor and approved by the City Council as follows: a police department employee recom-
3 mended by the Chief of Police, a Lincoln Fire and Rescue Department employee recommended by
4 the Fire Chief, one person from a neighborhood association, two representatives from separate alarm
5 businesses, and one representative from the local business community, provided that said member
6 is not employed by any business performing any activity listed in Section 5.56.025(b)(3). All
7 members of the Board shall be appointed for a two-year term. Any Board vacancy shall be filled in
8 the same manner provided for in the original appointment. The presence of ~~three~~ four or more
9 members shall constitute a quorum of the Alarm Review Board.

10 **Alarm system** shall mean any device used to detect or prevent intrusion, criminal activity,
11 fire, or other such emergency situations which, when activated, causes notification to be made
12 directly or indirectly to the Lincoln Police Department or the Lincoln Fire and Rescue Department,
13 or any device or system designed primarily for the purpose of giving an audible or visual signal of
14 an attempted intrusion, criminal activity, fire, or other such emergency.

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

- 16 (a) An alarm installed on a motor vehicle.
- 17 (b) An alarm installed upon premises occupied by the City or any public agency as
18 defined in R.R.S. 1943, § 13-803.
- 19 (c) Any device or system designed solely to detect or give notice of fire or smoke.
- 20 (d) Any non-monitored system which does not have an audible annunciator.

21 **Alarm user** shall mean any person, firm, partnership, association, corporation, company or
22 organization of any kind which uses or is in control of an alarm system at an alarm site, regardless
23 of whether it owns or leases the system.

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

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

5 **Audible annunciator** shall mean an annunciator which gives an alarm by means of a bell,
6 siren, buzzer or similar sound-producing device mounted at some location which, when activated,
7 is clearly audible at a distance of 50 feet or more outside of any building in which it is mounted.

8 **Automatic dialing device** shall mean and refer to an alarm system which automatically
9 sends over regular telephone lines, by direct connection or otherwise, a pre-recorded voice message
10 or coded signal indicating the existence of the emergency situation that the alarm system is designed
11 to detect.

12 **Burglar alarm system** shall mean an alarm system capable of signaling an unauthorized
13 entry or attempted entry into the area protected by the system.

14 **Chief of Police** shall mean the ~~chief of the Lincoln Police Department or a duly appointed~~
15 ~~authorized representative~~ Chief of Police or Fire Chief or any member under his/her jurisdiction
16 designated by him/her to exercise any power or duty conferred under this chapter .

17 **Commercial alarm user** shall mean any business entity with an alarm system ~~designed,~~
18 ~~intended, or used~~ installed and operated at any location that is primarily used for business purposes
19 or any location used for a business purpose in conjunction with a residential purpose other than a
20 permitted home occupation as defined in Title 27 of the Lincoln Municipal Code.

21 **Emergency Communications/911 Center** shall mean the emergency communications
22 center operated by the City of Lincoln.

23 **Emergency Response** shall mean a response by law enforcement or the Lincoln Fire and
24 Rescue Department to any type of request for immediate service.

1 **Enhanced Verification** shall mean two verifications within a 90-second period from the
2 time the alarm company or its alarm answering service receives an alarm signal. For purposes of
3 this chapter, telephone verification shall require, at a minimum, that a second call be made to a
4 different number if the first attempt fails to reach an alarm user who can properly identify him or
5 herself to determine whether an alarm signal is valid before requesting an ~~officer dispatch~~.
6 ~~Enhanced verification shall be required commencing on July 1, 2011~~ emergency response.

7 **False fire alarm** shall mean any fire alarm that is a result of an intentional activation when
8 no fire existed or an alarm that is a result of a system malfunction.

9 **False intrusion alarm** shall mean an alarm signal eliciting an urgent response by law
10 enforcement officers when a situation requiring an urgent response did not exist at or about the time
11 of the alarm; that is, there was no unauthorized intrusion or attempted intrusion. The burden of
12 proving that such alarm was not a false alarm shall be on the alarm user.

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

14 **Fire alarm system** shall mean any device used to detect or prevent fires which, when
15 activated, causes notification to be made directly or indirectly to the Lincoln Fire and Rescue
16 Department, or any device or system designed primarily for the purpose of giving an audible or
17 visual signal of a fire.

18 **Holdup alarm system** shall mean an alarm system signaling a robbery or attempted robbery.

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

20 **Monitoring** shall mean the process by which an alarm business or its designated alarm
21 answering service receives signals from an alarm system and relays an alarm dispatch request to the
22 Emergency Communications/911 Center for the purpose of summoning law enforcement or Lincoln
23 Fire and Rescue Department personnel to the alarm location.

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

4 **Permit term** shall mean a period beginning on the date of issuance and ending one year after
5 the date of issuance.

6 **Residential alarm user** shall mean any alarm system user with an alarm system ~~designed,~~
7 ~~intended, or used~~ installed and operated at any location primarily used for residential purposes.

8 **Verify or verification** shall mean an attempt by the alarm business or its designated alarm
9 answering service to contact the alarm user by telephonic or other electronic means, whether or not
10 actual contact with an alarm user is made, to determine whether an alarm signal is valid before
11 requesting ~~the Lincoln Police Department dispatch~~ an emergency response, in an attempt to avoid
12 an unnecessary alarm dispatch request.

13 Section 2. That Section 5.56.025 of the Lincoln Municipal Code be amended to read
14 as follows:

15 **5.56.025 Permit; Alarm Business.**

16 (a) Any person engaging in an alarm business in the City, except for those businesses who
17 only sell or install alarm systems that are not intended to be monitored by a third party other than
18 the respective alarm user and alarm systems with no audible annunciators must apply to the Chief
19 of Police or the designee specified on the application form, for a permit or permit renewal to operate
20 as an alarm business or alarm answering service. Such application must be signed by either (1) the
21 owner of the business for a sole proprietorship; (2) one general partner for a partnership; (3) one
22 manager or member for a limited liability company; or (4) a corporate officer for a corporation, and
23 must be approved by the Chief of Police or designee.

24 (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 responsible for
5 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 Nebraska
10 must include on the alarm business permit application form the name and address of the resident
11 agent located in Nebraska.

12 (5) The remittance address including zip code.

13 (c) (1) It shall be unlawful for any alarm business to conduct any operations within the
14 jurisdiction of the city without a current valid alarm business permit. Within 60 days from the
15 effective date of this ordinance (Bill No. 12-94), any fire alarm business shall obtain a permit as
16 provided in this section and thereafter it shall be unlawful for any fire alarm business to conduct any
17 operations within the jurisdiction of the city without a current valid alarm business permit.

18 (2) Permit applications under this section must be accompanied by a non-refundable
19 processing fee of \$100.00. Each alarm business issued a permit pursuant to this section shall file
20 a renewal application on a form specified by the Chief of Police and a nonrefundable renewal fee
21 of \$50.00 with the Chief of Police prior to the expiration of its current permit. The permits issued
22 under the ordinance as amended in 2009 are valid for two years. Permits issued after the effective
23 date of the 2011 amendments to this ordinance shall expire one year after the date of the issuance
24 of the permit. If the renewal application and renewal fee are not received during the term of the
25 permit, the alarm business permit shall be deemed expired. The Chief of Police or his designated

1 representative shall send a notice of renewal to each alarm business permittee not less than 30 days
2 prior to the expiration date of the alarm business permit.

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

6 (4) An applicant shall not perform or engage in any alarm business activity in the city
7 without a valid alarm business permit.

8 (5) An applicant or business permit holder shall give written notice of any changes
9 to the information contained in the application to the Chief of Police or designee within ten days of
10 the change.

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

15 (e) No permitted alarm business shall enter into any contract or agreement for the delivery
16 of alarm business services as defined herein with any alarm business that does not have a valid alarm
17 business permit.

18 (f) A permitted alarm business may accept as part of the alarm business, a completed alarm
19 user registration and the alarm user registration fee, provided that the alarm business remits the
20 required alarm user registration and alarm user registration fee to the City as required in this chapter.

21 Section 3. That Section 5.56.030 of the Lincoln Municipal Code be amended to read
22 as follows:

23 **5.56.030 Permit; Alarm User.**

24 (a) Any alarm user shall apply to the Chief of Police for a permit for said system or have
25 the user's application submitted by the alarm business, provided the alarm business has agreed in
26 advance to submit the alarm user's permit application. Within 60 days from the effective date of this

1 ordinance (Bill No. 12-94), any user of an alarm system strictly for fire alarms shall obtain a permit
2 as provided in this section.

3 (b) The alarm user permit application shall show:

4 (1) The name, address, and telephone number of the alarm user;

5 (2) The name, address, and telephone number of any authorized representatives;

6 (3) The location at which the alarm system is installed, including whether the location
7 is primarily used for a business purpose, used for a business purpose in conjunction with a
8 residential purpose, or used exclusively for a residential purpose;

9 (4) The alarm business servicing the alarm system.

10 (c) Permit applications under this section must be accompanied by a non-refundable
11 processing fee of \$40.00 for a commercial alarm user and \$25.00 for a residential alarm user.

12 (1) Each alarm user issued a permit pursuant to this section shall file a renewal
13 application on a form specified by the Chief of Police and a non-refundable renewal fee of \$40.00
14 for a commercial alarm user and \$25.00 for a residential alarm user with the Chief of Police every
15 year prior to the expiration of the current permit. Permits issued under the ordinance as amended
16 in 2009 are valid for two years after the date of issuance of the permits. Permits issued after the
17 effective date of the 2011 amendments to this ordinance shall expire one year after the date of the
18 issuance of the permits. If the renewal application and renewal fee are not received prior to the end
19 of the term of the permit, the alarm business permit shall be deemed expired. The Chief of Police
20 or his designated representative shall send a notice of renewal to each alarm user permittee not less
21 than 30 days prior to the expiration day of the alarm user permit.

22 (2) No refunds will be given on termination of any alarm system or fire alarm system
23 registrations for any reason.

24 (23) If an alarm user permit has been revoked or suspended, a reinstatement fee of
25 \$100.00 must accompany a reinstatement application. Reinstatement of an alarm user permit shall
26 not extend the expiration date of the permit.

1 (d) Upon receipt of said permit, the Chief of Police shall keep said permit application on
2 file. The Chief of Police shall designate upon such permit application the date and time of any false
3 alarms received at that location; and the ~~officers~~ department and personnel who responded. Said
4 permit application shall be open for the inspection of the alarm user or authorized representative of
5 the alarm user on regular business days, between the hours of 8:00 a.m. and 4:00 p.m. at the office
6 of the Chief of Police.

7 (e) Nothing in this section shall relieve any residential alarm user ~~of an alarm system~~
8 ~~protecting a private residence from~~ of other duties or obligations imposed by this chapter.

9 (f) Every alarm user shall obtain an alarm system user permit. It shall be unlawful for any
10 person within the jurisdiction of the City to use or operate any alarm system without a valid alarm
11 system permit therefor.

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

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

17 (g) Commercial and residential alarm user permits can be transferred to a different alarm
18 site provided the alarm user permit holder is not changed and the alarm user notifies the Chief of
19 Police of any changes in the information required in the permit application.

20 Section 4. That Section 5.56.040 of the Lincoln Municipal Code be amended to read
21 as follows:

22 **5.56.040 Alarm User Response.**

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

25 (1) The principal or business name, the address of the protected premises, and the type
26 of premises, if any, by which the premises are known;

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

3 (3) Whether enhanced verification has been attempted; and

4 (4) The type of criminal or fire activity indicated, e.g., burglary in progress, robbery,
5 etc.

6 (b) (1) The alarm business or its designated alarm answering service or a user reporting
7 annunciation for a local alarm system may report to the Emergency Communications/ 911 Center
8 any non-permitted alarms, provided that any such report shall also include information that the alarm
9 originated from a non-permitted alarm system.

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

15 (c) The alarm business or its designated alarm answering service may make an alarm
16 dispatch request to the Emergency Communications/911 Center in response to an alarm signal
17 during the first sixty days following an alarm system installation, provided the request also includes
18 information that the alarm system from which the signal originated was made within the first sixty
19 days following installation. Any alarm signals reported during that period shall not be considered
20 a false alarm against the alarm user. The reporting alarm business shall follow all procedures
21 required by this chapter and shall be subject to any assessed fees authorized in this chapter. In
22 addition, the alarm business or alarm answering service shall:

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

1 (2) Attempt an enhanced verification of every alarm signal, except a duress, holdup,
2 panic or fire alarm activation before requesting ~~a law enforcement~~ an emergency response to an
3 alarm system signal;

4 (3) Communicate alarm dispatch requests to the City in a manner and form determined
5 by the Chief of Police and Fire Chief;

6 (4) Communicate cancellations to the City in a manner and form determined by the
7 Chief of Police and Fire Chief;

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

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

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

15 (8) Provide an alarm user permit number when requesting ~~law enforcement~~ emergency
16 dispatch;

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

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

22 (11) Any alarm business and its designated alarm answering service, if applicable, must
23 maintain for a period of at least two years from the date of the alarm dispatch requests, records
24 relating to alarm dispatch requests. Records must include the name, address and telephone number
25 of the alarm user, the alarm system activated, the time of alarm dispatch request and evidence of an
26 attempt to verify. The Chief of Police may request copies of such records for any individually

1 named alarm user. If the request is made within 60 days of an alarm dispatch request, the alarm
2 business or alarm answering service shall furnish requested records within three business days of
3 receiving the request. If the records are requested between 60 days and two years after an alarm
4 dispatch request, the alarm business or its designated alarm answering service shall furnish the
5 requested records within 30 days of receiving the request.

6 Section 5. That Section 5.56.050 of the Lincoln Municipal Code be amended to read
7 as follows:

8 **5.56.050 Fees; False Alarms; Other.**

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

13	One through three false alarms during the permit term	\$0.00
14	Four through eight false alarms during the permit term	\$100.00
15	Each false alarm exceeding eight during the permit term	\$250.00
16	Late fee for each false alarm invoice which is delinquent	50% of the false
17		alarm invoice fee

18 (b) The alarm business, or its designated alarm answering service, shall be issued a no
19 verification fee of \$100.00 for each failure to verify alarm system signals as described in subsection
20 5.56.040(c)(2) .

21 (c) The alarm business, or its designated alarm answering service, shall be assessed a fee
22 of \$250.00 if the Lincoln Police Department or the Lincoln Fire and Rescue Department, when
23 responding to the false alarm, determines that an on-site employee of the alarm business, or its
24 designated alarm answering service, directly caused the false alarm. In this situation, the false alarm
25 shall not count against the alarm user.

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

6 Section 6. That Section 5.56.055 of the Lincoln Municipal Code be amended to read
7 as follows:

8 **5.56.055 Appeals; Procedure.**

9 (a) Any alarm business or alarm user who, under this chapter, has had a permit application
10 denied; a permit revoked or suspended; or who has been assessed a fee, other than the nonrefundable
11 permit application fee, permit renewal fee, or permit reinstatement fee, may appeal such denial,
12 revocation, suspension, or fee to the Alarm Review Board.

13 (b) The alarm business or alarm user appeal to the Alarm Review Board shall be in written
14 form and shall set forth the reasons for the appeal. The written appeal and appeal fee shall be filed
15 with the City Clerk within thirty days after receipt of the notice of denial, revocation, or suspension
16 of an alarm permit or assessment of a fee.

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

18 (d) The City Clerk shall date or file stamp the appeal on the date it is received and forward
19 the written appeal to the Alarm Review Board within three business days after the date or file stamp
20 on the appeal, with a notation that the appeal fee was received. The Alarm Review Board shall
21 schedule an appeal hearing on a monthly basis, and shall provide written notice of the date to the
22 appealing party no less than three days prior to the date of the hearing.

23 (e) The alarm business or alarm user filing the appeal may personally appear and shall
24 present written statements or documentary evidence relevant to the determination. In making its
25 decision, the Alarm Review Board can take into account items it believes to be relevant, including
26 severe acts of nature.

1 (f) The Alarm Review Board may reverse, modify, or uphold the action taken by the City.
2 The City action may be reversed or modified if supported by the affirmative votes of ~~three~~ four or
3 more Board members. If there are ~~less~~ fewer than three four affirmative votes and a quorum of the
4 Board is present, the City action shall be upheld.

5 (g) The Alarm Review Board may only reverse or modify the assessment of a false alarm
6 fee if there was no false alarm or if the false alarm was not caused or contributed to by any act(s)
7 or omission(s) of the alarm user or the user's family, pet(s), guest(s), employee(s), or any other
8 invitee.

9 (h) The Alarm Review Board shall send written notice of its determination to the alarm
10 business or alarm user and to the Chief of Police. If the assessed fee is reversed on appeal, the
11 Alarm Review Board shall direct that the City refund the fee amount actually paid. If the assessed
12 fee was modified, the Alarm Review Board shall direct that the City refund the portion of the fee
13 amount actually paid that exceeded the modified fee amount. If the alarm user or alarm business'
14 appeal is completely successful, the appeal fee will be returned to the alarm user or alarm business.
15 The decision of the Alarm Review Board is final as to the administrative remedies of the City.

16 (i) If the alarm business or alarm user is not satisfied with the decision of the Alarm Review
17 Board, the alarm business or alarm user may seek judicial remedies permitted by law. Filing of an
18 appeal shall stay the decision by the Alarm Review Board until the judicial remedies have been
19 exhausted or otherwise terminated. If no appeal is made within the prescribed period, then the
20 action of the Alarm Review Board shall be final.

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

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

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

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

1 Section 7. That Sections 5.56.010, 5.56.025, 5.56.030, 5.56.040, 5.56.050, and 5.56.055
2 of the Lincoln Municipal Code as hitherto existing be and the same are hereby repealed.

3 Section 8. That this ordinance shall take effect and be in force from and after passage
4 and publication in one issue of a daily or weekly newspaper of general circulation in the City,
5 according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2012:

Mayor