

Chapter 5.56

EMERGENCY ALARM SYSTEMS

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5.56.010 Definitions.

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

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

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

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 Lincoln 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 chapter, an alarm system shall not include:

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

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

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

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

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.

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

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

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

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

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

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. For purposes of this chapter, telephone verification shall require, at a minimum, that a second call be made to a different number if the first attempt fails to reach an alarm user who can properly identify him or herself to determine whether an alarm signal is valid before requesting an officer dispatch. Enhanced verification shall be required commencing on July 1, 2011.

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

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

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

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

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

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

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

Residential alarm user shall mean any alarm system user with an alarm system designed, intended, or used at any location primarily used for residential purposes.

Verify or verification shall mean an attempt by the alarm business or its designated alarm answering service to contact the alarm user by telephonic or other electronic means, whether or not actual contact with an alarm user is made, to determine whether an alarm signal is valid before requesting the Lincoln Police Department dispatch, in an attempt to avoid an unnecessary alarm dispatch request. (Ord. 19543 §1; May 16, 2011: prior Ord. 19336 §1; December 14, 2009: Ord. 18170 §21; April 28, 2003: Ord. 15482 §1; March 5, 1990: P.C. §5.15.010: Ord. 13438 §1; August 30, 1982).

5.56.020 Permit Required.

It shall be unlawful for any alarm business to perform any alarm business activity and for any alarm user to utilize an alarm system without first obtaining a permit or when said permit has been suspended, revoked, refused or expired as hereinafter provided. (Ord. 19336 §2; December 14, 2009: prior Ord. 15482 §2; March 5, 1990: P.C. §5.15.020: Ord. 13438 §2; August 30, 1982).

5.56.025 Permit; Alarm Business.

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

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

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

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

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

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

(5) The remittance address including zip code.

(c) (1) It shall be unlawful for any alarm business to conduct any operations within the jurisdiction of the city without a current valid alarm business permit.

(2) Permit applications under this section must be accompanied by a non-refundable processing fee of \$100.00. Each alarm business issued a permit pursuant to this section shall file a renewal application on a form specified by the Chief of Police and a nonrefundable renewal fee of \$50.00 with the Chief of Police prior to the expiration of its current permit. The permits issued

under the ordinance as amended in 2009 are valid for two years. Permits issued after the effective date of the 2011 amendments to this ordinance shall expire one year after the date of the issuance of the permit. If the renewal application and renewal fee are not received during the term of the permit, the alarm business permit shall be deemed expired. The Chief of Police or his designated representative shall send a notice of renewal to each alarm business permittee not less than 30 days prior to the expiration date of the alarm business permit.

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

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

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

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

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

(f) A permitted alarm business may accept as part of the alarm business, a completed alarm user registration and the alarm user registration fee, provided that the alarm business remits the required alarm user registration and alarm user registration fee to the City as required in this chapter. (Ord. 19543 §2; May 16, 2011: prior Ord. 19336 §3; December 14, 2009).

5.56.030 Permit; Alarm User.

(a) Any alarm user shall apply to the Chief of Police for a permit for said system or have the user's application submitted by the alarm business, provided the alarm business has agreed in advance to submit the alarm user's permit application.

(b) The alarm user permit application shall show:

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

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

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

(4) The alarm business servicing the alarm system.

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

(1) Each alarm user issued a permit pursuant to this section shall file a renewal application on a form specified by the Chief of Police and a non-refundable renewal fee of \$40.00 for a commercial alarm user and \$25.00 for a residential alarm user with the Chief of Police every year prior to the expiration of the current permit. Permits issued under the ordinance as amended in 2009 are valid for two years after the date of issuance of the permits. Permits issued after the effective date of the 2011 amendments to this ordinance shall expire one year after the date of the issuance of the permits. If the renewal application and renewal fee are not received prior to the end

of the term of the permit, the alarm business permit shall be deemed expired. The Chief of Police or his designated representative shall send a notice of renewal to each alarm user permittee not less than 30 days prior to the expiration day of the alarm user permit.

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

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

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

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

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

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

(g) Commercial and residential alarm user permits can be transferred to a different alarm site provided the alarm user permit holder is not changed and the alarm user notifies the Chief of Police of any changes in the information required in the permit application. (Ord. 19543 §3; May 16, 2011; prior Ord. 19336 §4; December 14, 2009; Ord. 15482 §3; March 5, 1990; P.C. §5.15.030; Ord. 13438 §3; August 30, 1982).

5.56.040 Alarm User Response.

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

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

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

(3) Whether enhanced verification has been attempted; and

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

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

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

(c) The alarm business or its designated alarm answering service may make an alarm dispatch request to the Emergency Communications/911 Center in response to an alarm signal

during the first sixty days following an alarm system installation, provided the request also includes information that the alarm system from which the signal originated was made within the first sixty days following installation. Any alarm signals reported during that period shall not be considered a false alarm against the alarm user. The reporting alarm business shall follow all procedures required by this chapter and shall be subject to any assessed fees authorized in this chapter. In addition, the alarm business or alarm answering service shall:

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

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

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

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

(5) Provide that all 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;

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

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

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

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

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

(11) Any alarm business and its designated alarm answering service, if applicable, must maintain for a period of at least two years from the date of the alarm dispatch requests, records relating to alarm dispatch requests. Records must include the name, address and telephone number of the alarm user, the alarm system activated, the time of alarm dispatch request and evidence of an attempt to verify. The Chief of Police may request copies of such records for any individually named alarm user. If the request is made within 60 days of an alarm dispatch request, the alarm business or alarm answering service shall furnish requested records within three business days of receiving the request. If the records are requested between 60 days and two years after an alarm dispatch request, the alarm business or its designated alarm answering service shall furnish the requested records within 30 days of receiving the request. (Ord. 19453 §4; May 16, 2011: prior Ord. 19336 §5; December 14, 2009: Ord. 15482 §4; March 5, 1990: P.C. §5.15.040: Ord. 13438 §4; August 30, 1982).

5.56.050 Fees; False Alarms; Other.

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

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

(b) The alarm business, 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 subsection 5.56.040(c)(2) .

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

(d) The alarm business, or its designated alarm answering service, shall be assessed a fee of \$100.00 if the alarm business, or its designated alarm answering service, after receiving notice under subsection 5.60.040(b)(2) that an alarm user does not have a valid alarm user permit, reports an alarm signal and fails to inform the Emergency Communications/911 Center that such alarm signal is from a non-permitted alarm user. (Ord. 19543 §5; May 16, 2011: prior Ord. 19336 §6; December 14, 2009: Ord. 15482 §5; March 5, 1990: P.C. §5.15.050: Ord. 13438 §5; August 30, 1982).

5.56.055 Appeals; Procedure.

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

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

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

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

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

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

(g) The Alarm Review Board may only reverse or modify the assessment of a false alarm fee if there was no false alarm or if the false alarm was not caused or contributed to by any act(s)

or omission(s) of the alarm user or the user's family, pet(s), guest(s), employee(s), or any other invitee.

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

(i) If the alarm business or alarm user is not satisfied with the decision of the Alarm Review Board, the alarm user may seek judicial remedies permitted by law. Filing of an appeal shall stay the decision by the Alarm Review Board 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 shall be final.

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

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

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

(3) Submits a certificate from an alarm business, stating that the alarm system has been inspected and repaired (if necessary) by the alarm business. (Ord. 19336 §7; December 14, 2009).

5.56.060 Automatic Dialing Devices.

(Repealed by Ord. 19543 §7; May 16, 2011; prior Ord. 15482 §6; March 5, 1990: P.C. §5.15.060; Ord. 13438 §6; August 30, 1982).

5.56.065 Notices.

(a) Notice or billing from the City or the official City alarm permit contractor to any alarm user shall be deemed to have been given or rendered on the date such notice or billing is deposited in the U.S. mail, first class postage, prepaid, addressed to the alarm user and alarm business at their respective addresses shown in the City's permit application records. A notarized 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 user or alarm business shall be deemed to have been given or rendered three business days after the date such notice is deposited in the U.S. mail, first class postage, prepaid, addressed to the alarm business at its address shown in the City's permit application records.

(b) Notice to the City or payment under this chapter shall be effective when received at the location designated by the City in the notice. (Ord. 19336 §8; December 14, 2009).

5.56.070 Exception for Severely Handicapped.

(Repealed by Ord. 19543 §8; May 16, 2011; prior Ord. 15482 §7; March 5, 1990: P.C. §5.15.070; Ord. 13438 §7; August 30, 1982).

5.56.080 Penalties.

(a) Any person operating an unregistered alarm system or an unregistered alarm business shall be subject to a civil penalty of \$100.00 for each false alarm while the alarm system or alarm business is unregistered. This fee is in addition to any other penalties. The City may waive the penalty for an unregistered alarm system or alarm business if the alarm user or alarm business submits an application with the requisite registration fee within ten (10) days of notification of such violation.

(b) In addition to any assessments imposed or any other possible penalty provided in this chapter, the Chief of Police may suspend, revoke, or deny an application for a permit required by this chapter if an alarm business or alarm user:

- (1) Fails to provide any information required;
- (2) Provides any false or incorrect information required; or
- (3) Violates any provision of this chapter.

(c) Any alarm business or alarm user may appeal a suspension, revocation, or denial of an alarm business or alarm user permit, as provided in Section 5.56.055. (Ord. 19543 §9; May 16, 2011; prior Ord. 19336 §9; December 14, 2009; Ord. 15482 §8; March 5, 1990; P.C. §5.15.080; Ord. 13438 §8; August 30, 1982).

5.56.090 Severability.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, and phrase hereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses, or phrases hereof be declared invalid or unconstitutional. (Ord. 19336 §10; December 14, 2009).