

09-151

MOTION TO AMEND NO. 1

I hereby move to amend Bill No. 09-151 by accepting the Substitute Ordinance attached hereto to replace the existing Ordinance.

Introduced by:

Approved as to Form & Legality:

City Attorney

Requested by: Councilman Spatz

Reason for Request: To accept the substitute ordinance.

SUBSTITUTE

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 and providing for suspension,
17 revocation, or denial of permits; adding a new Section 5.56.090 to establish a severability section
18 for Chapter 5.56; repealing Sections 5.56.010, 5.56.020, 5.56.030, 5.56.040, 5.56.050 and 5.56.080
19 of the Lincoln Municipal Code as hitherto existing; and establishing an effective date of July 1,
20 2010.

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

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

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

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

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

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

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

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

20 **5.56.010 Definitions.**

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

22 **Alarm business** shall mean any business operated by a person which engages in the activity
23 of altering, installing, leasing, maintaining, repairing, replacing, servicing, testing, monitoring, or

1 responding to an emergency alarm system, or which causes any of these activities to take place
2 within the city jurisdiction.

3 **Alarm Review Board** shall mean a five-member board comprised of persons appointed by
4 the Mayor and approved by the City Council as follows: one retired or active-duty police officer
5 recommended by the Chief of Police, one person from a neighborhood association, two
6 representatives from separate alarm businesses, and one representative from the local business
7 community, provided that said member is not employed by any business performing any activity
8 listed in Section 5.56.025(b)(3). The initial terms of members appointed to the Board shall be
9 staggered so that two members are appointed for a one-year term and three members are appointed
10 for a two-year term. Thereafter, all members of the Board shall be appointed for a two-year term.
11 The presence of three or more members shall constitute a quorum of the Alarm Review Board. Any
12 vacancy occurring shall be filled in the same manner as provided for in the original appointment.

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

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

- 23 (a) An alarm installed on a motor vehicle.

1 (b) An alarm installed upon premises occupied by the City or any public agency
2 as defined in R.R.S. 1943, § 23-2203.

3 (c) Any device or system designed solely to detect or give notice of fire or
4 smoke.

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

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

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

21 **Audible annunciator** shall mean an annunciator which gives an alarm by means of a bell,
22 siren, buzzer or similar sound-producing device mounted at some location which, when activated,

1 is clearly audible at a distance of 50 feet or more outside of any building in which it is mounted. Any
2 non-monitored system with one or more audible annunciations shall constitute a local alarm system.

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

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

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

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

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

19 **False alarm** shall mean ~~the activation of an alarm system, except those caused by acts of~~
20 ~~God, including but not limited to extraordinary electrical storms, tornadoes, or floods, or actual~~
21 ~~emergency to which the Lincoln Police Department gave an emergency response~~ an alarm signal
22 eliciting an urgent response by police when a situation requiring an urgent response did not exist at

1 or about the time; that is, no unauthorized intrusion or attempted intrusion. The burden of proving
2 that such alarm was not a false alarm shall be on the alarm user.

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

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

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

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

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

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

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

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

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

8 **UL** shall mean and stand for Underwriters' Laboratories.

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

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

16 **5.56.020 Registration Permit Required.**

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

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

23 **5.56.025 Permit; Alarm Business.**

24 (a) Any person engaging in an alarm business in the City, except for those businesses
25 who only sell or install alarm systems that are not intended to be monitored by a third party other

1 than the respective alarm user, and alarm systems with one or more audible annunciations must
2 apply to the Chief of Police, or the designee specified on the application form, for a permit or permit
3 renewal to operate as an alarm business or alarm answering service. Such application must be signed
4 by either (1) the owner of the business for a sole proprietorship; (2) one general partner for a
5 partnership; (3) one manager or member for a limited liability company; or (4) a corporate officer
6 for a corporation, and must be approved by the Chief of Police or designee.

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

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

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

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

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

19 (5) The remittance address including zip code.

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

24 (2) Permit applications under this section must be accompanied by a non-
25 refundable processing fee of \$100.00. Each alarm business issued a permit pursuant to this section

1 shall file a renewal application on a form specified by the Chief of Police and a nonrefundable
2 renewal fee of \$100.00 with the Chief of Police between January 1 and January 31 of each even-
3 numbered year. If the renewal application and renewal fee are not received by January 31 of the
4 even-numbered year, the alarm business permit shall be deemed expired. The Chief of Police or his
5 designated representative shall send a notice of renewal to each alarm business permittee not more
6 than 45 days, nor less than 30 days, prior to January 1 of each even-numbered year.

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

10 (4) An applicant shall not perform or engage in any alarm business activity in the
11 city until the alarm business permit or alarm business permit renewal is approved.

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

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

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

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

1 **5.56.030 Registration Permit; Alarm User.**

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

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

6 ~~(a 1)~~ The name, and address, and telephone number of the owner or lessee of the
7 alarm system alarm user;

8 ~~(b 2)~~ The name, address, and telephone number of the any authorized representa-
9 tives;

10 ~~(c 3)~~ The location at which the alarm system is installed;

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

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

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

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

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

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

9 (f) Within 60 days from the effective date of this ordinance (09-151S), any alarm user
10 shall obtain an alarm system user permit, and thereafter it shall be unlawful for any person within
11 the jurisdiction of the City to use or operate any alarm system without a current valid alarm system
12 permit therefor.

13 (1) Any alarm user on any property annexed by the City shall have a period of
14 60 days from the effective date of such annexation to comply with the requirements of this
15 ordinance.

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

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

21 **5.56.040 Alarm User Response.**

22 ~~Upon receiving an emergency alarm signal, the Chief of Police shall immediately notify the~~
23 ~~alarm user or an authorized representative of the alarm user. Upon being notified of an activated~~
24 ~~alarm, the alarm user or an authorized representative of the alarm user shall immediately respond~~
25 ~~to the premises in person without delay.~~

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

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

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

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

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

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

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

- 1 (1) Report alarm signals by using telephone numbers designated by the Chief of
2 Police;
- 3 (2) Verify every alarm signal, except a duress, holdup, panic or fire alarm
4 activation before requesting a law enforcement response to an alarm system signal;
- 5 (3) Communicate alarm dispatch request to the municipality in a manner and
6 form determined by the Chief of Police;
- 7 (4) Communicate cancellations to the City in a manner and form determined by
8 the Chief of Police;
- 9 (5) Provide that all alarm users of alarm systems equipped with a duress, holdup,
10 panic or fire alarms are given adequate training as to the proper use of the duress, holdup, panic or
11 fire alarm;
- 12 (6) Communicate any available information (e.g., back basement door, 2nd floor,
13 northeast window, etc.) about the location on an alarm signal related to the alarm dispatch request;
- 14 (7) Communicate type of alarm activation (silent or audible, interior or
15 perimeter);
- 16 (8) Provide an alarm user permit number when requesting law enforcement
17 dispatch;
- 18 (9) After an alarm dispatch request, promptly advise the Emergency Communi-
19 cations/911 Center if the alarm business or its designated alarm answering service knows that the
20 alarm user or its agent is on the way to the alarm site;
- 21 (10) Attempt to contact the alarm user or its agent within 24 hours via mail, fax,
22 telephone or other electronic means after an alarm dispatch request is made; and
- 23 (11) Upon the effective date of this section, any alarm business and its designated
24 alarm answering service, if applicable, must maintain for a period of at least two years from the date
25 of the alarm dispatch request, records, relating to alarm dispatch requests. Records must include the
26 name, address and telephone number of the alarm user, the alarm system activated, the time of alarm

1 dispatch request and evidence of an attempt to verify. The Chief of Police may request copies of
2 such records for any individually named alarm user. If the request is made within 60 days of an
3 alarm dispatch request, the alarm business or alarm answering service shall furnish requested
4 records within three business days of receiving the request. If the records are requested between 60
5 days and two years after an alarm dispatch request, the alarm business or its designated alarm
6 answering service shall furnish the requested records within 30 days of receiving the request.

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

9 **5.56.050 Fees; False Alarms; Other.**

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

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

16	<u>One through six false alarms during the permit term</u>	<u>\$0.00</u>
17	<u>Seven through 15 false alarms during the permit term</u>	<u>\$100.00</u>
18	<u>Each false alarm exceeding 15 during the permit term</u>	<u>\$250.00</u>
19	<u>Late fee for each false alarm invoice which is delinquent</u>	<u>50% of the false</u>
20		<u>alarm invoice fee</u>

21 (b) The alarm business, or its designated alarm answering service, shall be issued a no
22 verification fee of \$100.00 for each failure to verify alarm system signals as described in subsection
23 5.56.040(c)(2) .

24 (c) The alarm business, or its designated alarm answering service, shall be assessed a
25 fee of \$250.00 if the Lincoln Police Department, responding to the false alarm, determines that an

1 on-site employee of the alarm business, or its designated alarm answering service, directly caused
2 the false alarm. In this situation, the false alarm shall not count against the alarm user.

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

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

10 **5.56.055 Appeals; Procedure**

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

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

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

20 (d) The City Clerk shall date or file stamp the appeal on the date it is received and
21 forward the written appeal to the Alarm Review Board within three business days after the date or
22 file stamp on the appeal, with a notation that the appeal fee was received. The Alarm Review Board
23 shall schedule an appeal hearing no less than 14 days, nor more than 21 days, after the receipt of the
24 appeal, and shall provide written notice of the date to the appealing party no less than three days
25 prior to the date of the hearing.

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

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

9 (g) The Alarm Review Board may only reverse or modify the assessment of a false alarm
10 fee if there was no false alarm or if the false alarm was not caused or contributed to by any act(s)
11 or omission(s) of the alarm user and/or its family, pet(s), guest(s), employee(s), and/or any other
12 invitee.

13 (h) The Alarm Review Board shall send written notice of the determination to the alarm
14 business or alarm user and to the Chief of Police. If the appeal of an assessed fee was reversed, the
15 Alarm Review Board shall direct that the City refund the fee amount actually paid. If the assessed
16 fee was modified, the Alarm Review Board shall direct that the City refund the portion of the fee
17 amount actually paid that exceeded the modified fee amount. The decision of the Alarm Review
18 Board is final as to the administrative remedies of the City.

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

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

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

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

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

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

8 **5.56.065** **Notices.**

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

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

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

22 **5.56.080** **Penalties.**

23 (a) ~~Any person, firm, or corporation upon whom a duty is placed by Sections 5.56.020,~~
24 ~~5.56.030, 5.56.040, 5.56.060, or 5.56.070 of this chapter who shall fail, neglect, or refuse to perform~~
25 ~~such duty or who shall violate any of the provisions of those sections;~~ In addition to any

1 assessments imposed, any alarm business or alarm user who shall violate Section 5.56.020 of this
2 chapter shall be deemed guilty of a misdemeanor and upon conviction shall be fined in an amount
3 not to exceed \$100.00 \$500.00, nor less than \$50.00.

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

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

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

12 (1) Fails to provide any information required;

13 (2) Provides any false or incorrect information required; or

14 (3) Violates any provision of this chapter.

15 (c) Any alarm business or alarm user may appeal a suspension, revocation, or denial of
16 an alarm business or alarm user permit, as provided in Section 5.56.055.

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

19 **5.56.090 Severability.**

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

1 Section 11. That Sections 5.56.010, 5.56.020, 5.56.030, 5.56.040, 5.56.050 and
2 5.56.080 of the Lincoln Municipal Code as hitherto existing be and the same are hereby repealed.

3 Section 12. That this ordinance shall take effect and be in force from and after July
4 1, 2010 and shall be published in one issue of a daily or weekly newspaper of general circulation
5 in the City according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2009: _____ Mayor
