

ORDINANCE NO. 2124

AN ORDINANCE OF THE CITY OF YORK, NEBRASKA TO ENACT A SECTION TO REGULATE ALARM SYSTEMS, TO PROVIDE FOR THE ISSUANCE OF PERMITS, AND TO IMPOSE A PENALTY FOR THE VIOLATION OF THIS SECTION; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE FOR THE ORDINANCE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF YORK, NEBRASKA:

SECTION 1. ALARM SYSTEMS.

1. Definitions. As used in this section, the following terms shall have and be given the following meanings.

Alarm business shall mean the business by any individual, partnership, corporation, or other entity, of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, or installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed, any alarm system in or on any building, structure or facility.

Alarm account shall mean the physical street address at which an alarm system is installed.

Alarm coordinator shall mean the 911 communications center supervisor.

Alarm system shall mean any assembly of equipment, mechanical or electrical, arranged to provide an external signal or advising a central location of the occurrence of an illegal entry, fire or other activity requiring urgent attention.

Alarm user shall mean the person, firm, partnership, association, corporation, company or organization of any kind, in control of any building, structure or facility who purchases, leases, contracts for or otherwise obtains an alarm system or for the servicing of maintenance of an alarm system and thereafter contracts with or hires an alarm business to monitor and/or service the alarm device.

Alarm zone shall mean an alarm detection point located at or within a physical location identified as an alarm account.

Answering service shall mean a telephone answering business 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 the 911 communications center.

Automatic dial protection device shall mean an electrically operated instrument composed of sensory apparatus and related hardware, which automatically sends over regular telephone lines an alarm, upon receipt of a stimulus from the sensory apparatus that has detected a force or condition characteristic of an unauthorized intrusion, fire or an emergency message indicating a need for emergency response.

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

Central station protective system shall mean a system or group of systems operated by a person, firm or corporation, in which the operators of electrical protection circuits and devices are transmitted to, recorded in, and maintained and supervised from, a central station having operators in attendance at all times.

City shall mean the City of York, Nebraska.

False alarm shall mean an alarm signal, eliciting an urgent public safety response when a situation requiring an urgent response does not, in fact, exist, but does not include an alarm signal caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm business or alarm user. The burden of proving that such alarm was not a false alarm shall be on the alarm business or alarm user.

Fire alarm system shall mean an alarm system signaling a fire, smoke or temperature condition whereby a fire may occur.

Firearm shall mean any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive or frame or receiver of any such weapon.

Fire chief shall mean the fire chief of the City of York, Nebraska, or his or her designated representative.

Local alarm system shall mean an alarm system which when activated causes an audible and/or visual signaling device to be activated and is intended to be seen and/or heard by others outside of the protected premises.

Notice shall mean written notice, given by personal service upon the addressee or given by United States mail, postage prepaid, addressed to the person to be notified at his or her last known address. Service of such notice shall be effective upon completion of personal service or upon placing of the same in the custody of the United States Postal Service.

Panic alarm shall mean an alarm system installed or maintained for the purpose of summoning an urgent or emergency public safety response to an actual or attempted burglary, robbery, fire or medical emergency.

Permit year shall mean a twelve (12) month period from October 1 to September 30.

Police chief shall mean the chief of police of the City of York, Nebraska, or his or her designated representative.

Proprietary system shall mean an alarm system sounding and/or recording alarm signals to a control center located within the protected premises, the control center being under the supervision of the proprietor of the premises. If a proprietary system includes a signal line connected directly or by means of an automatic dialing device to the 911 communications center, a central station protective system or answering service, it thereby becomes an "alarm system," as defined in this section.

Public safety shall mean any law enforcement, fire or rescue service.

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

Single family dwelling shall mean a building having accommodations for and occupied exclusively by one family. This may include modular homes, manufactured homes and mobile homes.

Non-single family dwelling shall mean any building that does not qualify as a single family dwelling.

2. Permit required.

No person, firm or corporation, either as principal officer, agent, servant or employee, shall possess or operate an alarm system without first obtaining a permit for such alarm system from the alarm coordinator; provided, however, the provisions of this section are not applicable to local alarm systems affixed to motor vehicles.

3. Permit Application; non-transferability; exceptions.

Every alarm user shall obtain an alarm user's permit from the alarm coordinator within thirty (30) days after the effective date of this section or prior to use of an alarm system. Each alarm user must provide to the alarm coordinator on a form provided by the 911 communications center the name, address and telephone number of the alarm user and of the alarm business, if any, with whom the alarm user has contracted for maintenance of the alarm system. Each alarm user shall also provide the names, addresses, and the phone numbers of a minimum of two persons who can be contacted 24 hours a day and seven days a week to turn off or deactivate an alarm system. It shall be the obligation of the alarm user to keep this information current and correct through supplementary notifications filed from time to time on the same form. Alarm permits are non-transferable. Each building, structure or facility maintaining one or more alarm systems must obtain an alarm user's permit. Each permit shall bear the signature of the alarm coordinator and shall be physically upon the premises using the alarm system and shall be available for inspection by the chief of police, fire chief or their designated representative or any police officer or fire fighter. There shall be no charge for the alarm user's permit.

Alarm users shall submit, with their permit application to the alarm coordinator, a release of liability releasing the city, and police officer, fire fighter and any other city employee from all claims and suits for any damages, injury or loss to any person or to any property arising out of the use, activation, regulation or response to or of an alarm system.

The issuance date of alarm permits shall be the actual date of issuance of said permit unless such alarm system has recorded a false alarm prior to obtaining a permit, then such date of issuance shall be the date of the first false alarm received; provided, however, that all such permits shall expire on September 30 of each year and shall be subject to renewal.

An alarm user which is a governmental unit or entity shall be subject to this section. The city and its departments and divisions shall not be subject to the payment of any fees or imposition of any penalty as provided herein.

4. Permit fees.

The following permit fees shall be paid with the permit application:

Single family dwelling	\$10.00
Non-single family dwelling	\$25.00

5. Regulations; duties; unlawful acts.

The chief of police, fire chief or their designated representatives may require the inspection of any or all alarm systems installed within the city.

Local alarm systems installed within thirty (30) days after the effective date of this section shall not emit a sound similar to that of an emergency vehicle or a civil defense warning siren.

Local alarm systems, except fire alarm systems, shall be equipped to automatically discontinue emitting an audible sound within fifteen (15) minutes of activation.

It shall be the responsibility of each alarm user to see that the standards of installation and maintenance set forth in this section are adhered to.

It shall be the responsibility of any alarm business causing installation of or maintaining an alarm system to cause such installation or maintenance to conform to the requirements of the Fire Code and the Electric Code applicable to the City of York,

Nebraska.

Without the prior express consent of the alarm coordinator, alarm systems shall not be tested so as to transmit a signal to the 911 communications center when an emergency or life hazard situation does not exist. It shall be the responsibility of each alarm user and alarm business not to make such tests.

An alarm business, alarm user, employee of a central station protective system or employee of an answering service charged with the responsibility of relaying a live voice request for a public safety response, upon the activation of an alarm system, shall give the following information to the 911 communications center at the time of such request: Address of alarmed location; type of alarm system that has been activated; name of commercial business or resident; specific location of an area within the building, structure or facility protected by the activated alarm; name of the alarm business making request if applicable; name of person making the request; and a phone number where the requesting party can be contacted. Unless specifically requested, it is the sole responsibility of the person making such request to notify authorized persons in control of such alarmed building, structure or facility that such alarm has been activated.

The alarm coordinator shall be responsible for determining which alarms constitute false alarms, as defined by this section. A record of all false alarms shall be maintained by the alarm coordinator.

At the time of the second (2nd) false alarm for any permit within any permit year, the alarm coordinator shall notify the alarm permit holder by certified mail of such occurrence and that additional false alarms during the permit year will require the payment of fees as set forth in this section. Failure to receive notice shall not be deemed to extend the term of conditions of the permit.

It is unlawful for any person to activate any burglary, robbery, fire or emergency alarm for the purposes of summoning public safety assistance, except in the event of any actual or attempted burglary, robbery, fire or medical emergency, or for such person notifying the 911 communications center of an activated alarm and having knowledge that such activation was apparently caused by an electrical or other malfunction of the alarm system to fail to notify the 911 communications center of such malfunction.

Any premises with an alarm system shall provide address numbers which are clearly visible from a distance of 100 feet or more. The address numbers shall be posted to the left, right or overhead to the main entrance of the building, structure or facility and if such building, structure or facility is on a corner lot, address numbers shall face the street named in the official address, as designated by the city.

The chief of police and fire chief shall establish, distribute and cause the enforcement of rules and regulations, subject to the provision of this section, as from time to time they deem it necessary for the implementation of this section.

6. False alarms; false alarm fees required; grace period; appeals.

Any alarm system which has recorded more than two (2) false alarms within a permit year shall be subject to the following fees for each false alarm:

False alarms occurring 3 - 5 times within a permit year:	\$25.00
False alarms occurring 6 - 8 times within a permit year:	\$50.00
False alarms occurring 9 or more times within a permit year:	\$75.00

The payment of the fee provided for in this section shall be submitted to the city clerk's office within ten (10) days of receiving notice that such fee is due.

A grace period of ninety (90) days from the date of activation of any new alarm systems or two (2) false alarms, whichever occurs first, shall be allowed for the purpose of adjustments and corrections in the alarm system, prior to any accumulating of false alarms as provided herein.

Any alarm user who has been assessed a fee as provided for in this section may appeal such assessment to the city council by filing a written notice of appeal with the city clerk, within ten (10) days of receipt of the notice that such fee is due. The filing of such notice shall stay that effect of such assessment until a hearing is held before the city council at its next regular meeting. The city council shall have the power to uphold or set aside the assessment of such fees.

7. Designated telephone lines.

No person shall use or cause to be used an alarm system or device of any kind that automatically dials or calls any telephone line of the offices of the city or any department or division thereof except such telephone line or lines as may be designated by the 911 communications center for the specific purpose of receiving signals from alarm systems.

8. Confidentiality; statistics.

All information submitted in compliance with this section shall be held in strictest confidence; shall be deemed a public record exempt from disclosure except as may be required by the Nebraska public records laws; and shall be kept so that the contents thereof shall not be known except to persons authorized to carry out the administration and enforcement of this section. The alarm coordinator shall be charged with the sole responsibility for the maintenance of all records of any kind whatsoever under this section.

Subject to the requirements of confidentiality, the alarm coordinator shall develop and maintain statistics for the purpose of assisting alarm system evaluation, for use by members of the public and governing body.

9. No Liability on Part of the City.

This section shall not create a duty by the city or public safety personnel to respond to an address or location registering an alarm, or to respond to an alarm signal.

10. Firearms dealers; burglary alarm systems required; exceptions.

Each business organization which engages in the retail sale of firearms, except those organizations that are open 24 hours a day or that have an employee or agent on the premises at all times, shall have a burglar alarm system installed on the premises. Such alarm system shall be monitored by a central station and shall activate upon unauthorized entry or interruption to such system. For the purposes of this section, "business organization means sole proprietorship, partnership, firm, corporation or other form of business or legal entity. The provisions of this section shall not apply to any person who (1) sells or exchanges a firearm for the enhancement of a personal collection or as a hobby, (2) sells all or part of a personal collection of firearms, or (3) sells firearms from his or her own residence and keeps for sale not more than ten firearms.

11. Penalty.

Any person convicted of a violation of any of the provisions of, or failing to comply with any of the requirements of this section shall be guilty of an offense. Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the section is committed, continued or permitted by any such person. Any violation of this section shall be subject to the penalties provided in section 1-8 of this Code.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby

repealed.

SECTION 3. This ordinance shall be in force and take effect from and after its passage, approval and publication according to law.

PASSED AND APPROVED this 19th day of February 2015.

Charles W . Harris, Mayor

ATTEST:

C. Jean Thieve, City Clerk

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