

**BOARD OF COUNTY COMMISSIONERS
DOUGLAS COUNTY, NEBRASKA**

**RESOLUTION ADOPTING AN ORDINANCE TO ESTABLISH
A LAW REGARDING FALSE ALARMS**

WHEREAS, pursuant to Neb. Rev. Stat. §23-104(6), the County has the power to do all acts in relation to the concerns of the county necessary to the exercise of its corporate powers; and,

WHEREAS, pursuant to Neb. Rev. Stat. §23-103, the powers of the County as a body are exercised by the Douglas County Board of Commissioners (“County Board”); and,

WHEREAS, pursuant to Neb. Rev. Stat. §23-187(l)(f), the County may regulate, through ordinance, false alarms from electronic security systems that result in requests for emergency response from law enforcement or other emergency responders; and,

WHEREAS, under the direction of the County Board, the County Administrator and County Attorney drafted an ordinance to establish a law regarding false alarms from electronic security systems that result in requests for emergency response; and,

WHEREAS, pursuant to Neb. Rev. Stat. §23-188, notice was published in a newspaper of general circulation once per week for two weeks and such notice contained the entire language of the ordinance and the time and place of the hearing; and,

WHEREAS, pursuant to Neb. Rev. Stat. §23-188, the County Board held a public hearing on the ordinance on February 25, 2020; and,

WHEREAS, pursuant to Neb. Rev. Stat. 23-192, the County Clerk provided a copy of the ordinance to the clerk of each city no later than seven days from the date of the public hearing and each city was given seven days to respond; and,

WHEREAS, it is necessary and proper for the registration of alarm systems to enforce penalties for false alarms that result in requests for emergency response from emergency personnel; and,

WHEREAS, the County Board desires to adopt an ordinance to establish a law regarding false alarms from electronic security systems that result in requests for emergency response, a copy of which is attached hereto.

NOW, THEREFORE, BE IT RESOLVED by the Douglas County Board of Commissioners that this Board does hereby adopt the ordinance to establish a law regarding false alarms from electronic security systems that result in requests for emergency response, a copy of which is attached hereto.

The above resolution was approved by a vote of the Douglas County Board of Commissioners at a public meeting duly held in accordance with the applicable law on the 10th day of March, 2020.

Motion by Boyle, second by Rodgers to approve. I move the adoption of the resolution.

Adopted: March 10, 2020

Yeas: Borgeson, Boyle, Kraft, Morgan, Rodgers, Duda

Absent: Cavanaugh

(CERTIFIED COPY)



Daniel A. Esch
Douglas County Clerk

ORDINANCE NO. 00002
DOUGLAS COUNTY, NEBRASKA

FALSE ALARM ORDINANCE

TO ESTABLISH A LAW REGARDING FALSE ALARMS FROM ELECTRONIC SECURITY SYSTEMS THAT RESULT IN REQUESTS FOR EMERGENCY RESPONSE; TO ESTABLISH A PENALTY; PROVIDE A METHOD OF ENFORCEMENT; AND TO PROVIDE AN EFFECTIVE DATE.

WHEREAS, pursuant to Neb. Rev. Stat. § 23-104(6), the County has the power to do all acts in relation to the concerns of the county necessary to the exercise of its corporate powers; and,

WHEREAS, pursuant to Neb. Rev. Stat. § 23-103, the powers of the County as a body are exercised by the Douglas County Board of Commissioners (“County Board”); and,

WHEREAS, pursuant to Neb. Rev. Stat. § 23-187(1)(f), the County may regulate, through ordinance, false alarms from electronic security systems that result in requests for emergency response from law enforcement or other emergency responders; and,

WHEREAS, it is the intent of the County Board to enact a False Alarm Ordinance; and,

WHEREAS, it is necessary and proper for the registration of alarm systems to enforce penalties for false alarms that result in requests for emergency response from emergency personnel; and,

WHEREAS, the County Board has held a public hearing on the matter, after giving due notice as required by law.

NOW THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF THE COUNTY OF DOUGLAS, NEBRASKA:

That the County Board does hereby enact and adopt the following False Alarm Ordinance pursuant to Neb. Rev. Stat. § 23-187.

Section 1. INTENT:

The County Board hereby authorizes the registration of alarm systems by this Ordinance as necessary and proper to enforce penalties for false alarms resulting in the dispatch of emergency personnel. The resources of such emergency departments are limited and must be reserved for use in actual emergency or life hazard situations. The purpose of this Ordinance is to encourage alarm users and alarm companies to properly use and maintain the effectiveness of alarm systems, to increase reliability, and to reduce false alarms in the County.

Section 2. DEFINITIONS:

Alarm company shall mean a business providing among its services alarm sales, installation, service, monitoring, or billing alarm users or 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 Douglas County 911 Center or such other place as directed by the County.

Alarm system shall mean any device, including electronic security systems, 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 Douglas County 911 Center for emergency response, 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 Ordinance, an alarm system shall not include an alarm installed on a motor vehicle.

Alarm user means 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 and thereafter contracts with or hires an alarm company to monitor and/or service the alarm device, or who owns or operates an alarm system, which is not monitored, maintained, or serviced under contract with an alarm company.

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

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. Any non-monitored system with one or more audible annunciations shall constitute a local alarm system.

Coordinator shall mean the individual designated to issue regulations and enforce the provisions of this Ordinance.

County shall mean Douglas County, Nebraska.

Duress alarm shall mean a silent alarm system signal generated by the entry of a designated code into an arming station in order to signal that the alarm user is being forced to turn off the system and requires law enforcement response.

Emergency Response shall mean a response by law enforcement to any type of request for service.

False alarm shall mean an alarm signal from an electronic security system that results in a request for emergency response from law enforcement when a situation requiring an urgent response did not exist at or about the time; that is, no unauthorized intrusion, or attempted intrusion. The burden of proving such alarm was not a false alarm shall be on the alarm user.

Holdup alarm shall mean a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress.

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

Monitoring shall mean the process by which an alarm company or its designated alarm answering service receives signals from an alarm system and relays an alarm dispatch request to the Douglas County 911 Center for the purpose of summoning law enforcement to the alarm site.

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 emergency response.

Principal shall mean the person, firm or corporation whose premises are protected by an alarm system. In the event that a building having more than one tenant is protected by a single alarm system, the term “principal” means the alarm system owner.

Registration term shall mean a 12-month period beginning on the date of issuance of the alarm system registration and ending 12 months thereafter.

Sheriff shall mean Douglas County Sheriff or other authorized representative of the Sheriff’s Office as designated by the Sheriff.

Verify or verification shall mean an attempt by the alarm company or its designated alarm answering service to contact the alarm user by telephone 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 Douglas County Sheriff’s Office dispatch, in an attempt to avoid an unnecessary alarm dispatch request. For the purposes of this Ordinance, telephone verification shall require, at a minimum, a second call be made to a different number, if the first attempt fails to reach an alarm user who can properly identify themselves to determine whether an alarm signal is valid before requesting an officer dispatch.

Section 3. EFFECTIVE AREA:

This Ordinance is effective in Douglas County, but it shall not be effective within the corporate boundaries of Bennington, Boys Town, Omaha, Ralston, Valley, and Waterloo; nor shall it be effective within the area outside of the corporate boundaries of Bennington, Boys Town, Omaha, Ralston, Valley, and Waterloo in which those cities have been granted and are exercising powers by ordinance on a similar subject matter.

Section 4. PROHIBITED ACTS:

- A. From the effective date of this ordinance and thereafter, it shall be unlawful for any person within the effective area to use or operate any alarm system without a current valid alarm system registration therefor. Any person found to be in violation of this Ordinance may be required to pay a fine of \$100.00 in addition to any required application fees to register the alarm system.
- B. Any person within the registration area installing a new alarm system after the effective date of this Ordinance shall have 30 days from the date of installation to obtain an alarm system registration therefor as required by this Ordinance.

Section 5. REQUIRED INFORMATION; REPORTING ALARM AND VERIFICATION:

- A. Any alarm company or its designated alarm answering service reporting an alarm to the Douglas County 911 Center shall give the following information:
 - a. The principal or business name, the address of the protected premises, and the type of premises, if any by which the premises are known;
 - b. The name and telephone number of the principal or agent having ready access to the protected premises; and
 - c. The type of emergency response indicated.
- B. The alarm company or its designated alarm answering service or a person reporting annunciation for a local alarm system may report to the Douglas County 911 Center any non-registered alarms. For alarm systems, it shall then report the fact that it is non-registered and the Douglas County Sheriff's Office shall determine whether to respond to any non-registered reported alarms for criminal activity; provided that, if the alarm company, or its designated alarm answering service, happens to receive positive confirmation from the alarm user or a third party that Douglas County Sheriff's Office response is necessary, the alarm company shall report such information to the Douglas County 911 Center.
- C. It will be the responsibility of the alarm company to provide the names and locations of alarm users with current, valid alarm system registrations to their designated alarm answering service. The alarm administrator may provide written notice, through letter, email, or similar means, to each alarm company on any non-registered alarm user request for the Douglas County Sheriff's Office response violation.

Section 6. APPLICATION FOR REGISTRATION; FEE:

Each application for an alarm system registration or renewal shall be made by the official alarm registration contractor. The application shall be on a form prescribed by the coordinator and shall contain, at a minimum, the following information:

- A. The name, address, and telephone number of the principal of the protected premises and of the alarm company, and if known, its alarm answering service.
- B. The type of premises (home, office, variety store, etc.) and any business name by which the premises are known.
- C. The address of the protected premises to the extent registration is required by the definition of alarm user and effective area, including if it is in a residential (including apartment houses or residences), commercial or industrial complex (office building, shopping center, etc.), and any name by which the complex is commonly known.
- D. The names, current addresses and current telephone numbers, including home phone numbers, of three natural persons, or an alarm answering service.
- E. The remittance address including names, addresses, city, state, and zip code.

- F. Where the initial registration is made, by the official alarm registration contractor, then the foregoing minimum information, as prescribed by the coordinator, shall be given to the official alarm registration contractor by the alarm company to expedite such initial registration. The annual application fee for residential alarm users shall be \$25.00, and the application fee for commercial or industrial alarm users shall be \$50.00.
- G. None of the fees or fines contained within this Ordinance shall apply to alarm systems installed upon the premises occupied by the County or any public agency as defined in Neb. Rev. Stat. § 13-803.

Section 7. ISSUANCE OF REGISTRATION:

- A. Upon receipt of the alarm system registration application and application fee, the coordinator shall issue to the applicant alarm user an alarm system registration bearing an identity number and setting forth the expiration date. The County shall not, by the issuance of any alarm system registration, be obligated to respond or accord any priority to an alarm from such system. The coordinator shall not be obligated to accept any alarm system registration application, or any renewal thereof, if the alarm user has failed to pay any false alarm fines charged to such alarm user.

Section 8. TERM OF REGISTRATION; TRANSFER; TERMINATION; RENEWAL:

- A. Alarm system registrations shall expire 12 calendar months from and after the date of their issuance; Alarm system registrations may be renewed for consecutive additional registration terms in the same manner as original alarm system registrations were obtained. The renewal alarm system registration will not be issued until the annual fee is paid.
- B. An alarm system registration shall automatically terminate upon any change of the principal or protected premises. No alarm system registration may be transferred to another principal or protected premises. No refunds will be given on termination of any alarm system registration for any reason.
- C. A late penalty shall be assessed on all alarm system registration holders who do not pay the renewal fee prior to expiration of their existing alarm system registrations as follows: \$10 for payment received within 31-59 days after expiration; \$15 for payment received within 60-89 days after expiration; \$25 for payment received 90 days or later after expiration. The renewal application shall contain the principal's signed statement that there have been no changes in the principal or protected premises.

Section 9. CHANGES TO REGISTRATION INFORMATION:

- A. The alarm registrant shall file an amendment to the application following any change of circumstances which renders obsolete any of the information submitted on the application within ten (10) calendar days. No additional fee shall be required unless the change terminates the registration.

Section 10. FALSE ALARM PENALTY:

A. As a condition of any alarm system registration issued under the provisions of this Ordinance, the alarm user shall pay to the County, within 30 days of invoice, for any false alarm generated by the alarm user’s alarm system, a false alarm fine in accordance with the following schedule:

The first false alarm during the registration term.....	\$0.00
The second false alarm during the registration term.....	\$100.00
The third false alarm during the registration term.....	\$100.00
The fourth and subsequent false alarm during the registration term.....	\$250.00
Late fee for each false alarm invoice which is delinquent.....	\$25.00

The Douglas County Sheriff’s Office may not answer any subsequent alarm of the alarm user if the false alarm fine is not received by the County within 30 days of the original invoice by the County or the final decision of the administrative appeal process, whichever is later.

B. An alarm user who has been assessed a false alarm fine may appeal the assessment of the false alarm fine to the Alarm Review Board. The alarm user shall remit an appeal fee of \$10.00 (the “Appeal Fee”) along with the appeal. If the alarm user’s appeal is upheld, the Appeal Fee will be returned to alarm user. The filing of an appeal with the Alarm Review Board stays the assessment of the false alarm fine until the Alarm Review Board makes a final decision.

1. The alarm user shall file a written appeal to the Alarm Review Board by setting forth the reasons for the appeal within 10 days after the receipt of the false alarm fine notice. In making its decision, the Alarm Review Board can take into account items it believes to be relevant, including severe acts of nature, but may uphold the appeal only if there was no false alarm or if the false alarm was not contributed to by the act(s) or omission(s) of the user and/or its family, pets, guests, employee(s), and/or invitees.
2. If the Alarm Review Board denies the alarm user’s appeal, then the Alarm Review Board shall send written notice of the action and a statement of the right to an appeal to the alarm user and the alarm company. If the Alarm Review Board upholds the appeal, the Alarm Review Board shall send a written notice of the action to the alarm user, alarm company, and the coordinator, and shall send to the alarm user a check in the amount of the appeal fee and false alarm fine if it was paid. The decision of the Alarm Review Board is final as to administrative remedies of the County.

C. If the 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 action by the Alarm Review Board suspending a registration, 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 is final.

D. The coordinator may suspend law enforcement response to the premises of an alarm user by revoking the alarm system registration if it is determined that:

1. The alarm user has five (5) or more false alarms in a 12-month period;
2. There is a statement of material fact known to be false in the application for an alarm system registration; or
3. The alarm user has failed to make timely payment of false alarm fines.

Unless there is a separate indication that there is a crime in progress, the Douglas County Sheriff's Office may refuse law enforcement response to an alarm dispatch request at any alarm site for which the alarm system registration is suspended. If the alarm system registration is reinstated pursuant to (E) below, the coordinator may again suspend law enforcement responses to the alarm site by again revoking the alarm system registration if it is determined that false alarms have occurred within 30 days after the reinstatement date.

- E. A person whose alarm system registration has been revoked may, at the discretion of the coordinator, have the system registration reinstated by the coordinator if the person:
 1. Submits a new application and pays a reinstatement fee in the amount of the registration fee in effect on the date of filing such new application; or
 2. Pays or otherwise resolves all outstanding false alarm fines and other fees; or
 3. Submits a certificate from an alarm company, stating that the alarm system has been inspected and repaired (if necessary) by the alarm company.
- F. The alarm company, or its designated alarm answering service, shall be issued a "No Verification Fine" of \$100.00 for each failure to verify alarm system signals.
- G. The alarm company or its designated alarm answering service shall be assessed a fine of \$250.00 if the Douglas County Sheriff's Office, responding to the false alarm, determine that an on-site employee of the alarm company, or its designated alarm answering service, directly caused the false alarm. In this situation, the false alarm shall not count against the alarm user.
- H. The alarm company or its designated alarm answering service shall be assessed a fine of \$100.00 if the alarm company or its designated alarm answering service, after receiving notice that an alarm user is not registered, reports an alarm signal and fails to inform the Douglas County 911 Center that such alarm signal is from a non-registered alarm user.

EFFECTIVE DATE: This Ordinance shall take effect and be in force fifteen days after its passage, approval, and publication, as provided by law.

Passed and Adopted this 10th day of March, 2020

Douglas County Board Chairperson

DocuSigned by:
Clare Duda
36842C5D00174EE...

Attest:



DocuSigned by:
Daniel A Esch
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Douglas County Clerk

SOURCE:

Neb. Rev. Stat. § 23-103; Neb. Rev. Stat. § 23-104(6); Neb. Rev. Stat. § 23-187(1)(f);

City of Omaha Municipal Code, Article II, Sec. 25-20 *et seq.*