

ORDINANCE NUMBER 09-021

An ordinance to add Sections 9-1, 9-2, 9-3, 9-4, 9-5, 9-6, 9-7, 9-8, 9-9, 9-10, 9-11, 9-12, and 9-13 of the Beatrice City Code; to repeal all other conflicting ordinances or parts of ordinances; and to provide for publication in pamphlet form; and for an effective date of this ordinance

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

SECTION 1. That Sections 9-1, 9-2, 9-3, 9-4, 9-5, 9-6, 9-7, 9-8, 9-9, 9-10, 9-11, 9-12, and 9-13 be added to the Beatrice City Code as follows:

“Sec. 9-1. Applicability.

This article is intended to regulate the activities and responsibilities of persons who purchase, rent or use and persons who own or conduct the business of selling, leasing, renting, installing, maintaining or monitoring alarm systems, devices or services. It is further intended to encourage improvement in reliability of these systems, devices and services and to insure that Police and Fire Department personnel will not be unduly diverted from responding to actual criminal activity or emergencies as a result of responding to false and nuisance alarms. The article specifically applies to burglar alarms, robbery alarms, hold-up alarms, and panic alarms, and fire alarms, both audible and inaudible. The provisions of this article shall not apply to audible alarms affixed to motor vehicles.

Sec. 9-2. Definitions.

For the purpose of this article the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACT OF GOD. An unusual, extraordinary, sudden and unexpected manifestation of the forces of nature, the adverse effects of which cannot be prevented by reasonable human care, skill or foresight. Such events include tornadoes, floods, earthquakes, and other similarly violent conditions.

ALARM ANSWERING SERVICE or REMOTE MONITORING POINT. A 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 public safety department communications center.

ALARM SYSTEMS. Any device used to detect or prevent intrusion, criminal activity or other such emergency situations which, when activated, causes notification to be made indirectly to the 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. It shall also mean any device, audible or inaudible, which is used to detect smoke, heat or sprinkler activation, which when activated, causes notification to be made indirectly to the Fire Department.

ALARM USER. 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 business to monitor and/or service the alarm device.

ANNUNCIATOR. That part of an alarm system which communicates the fact that the system has been triggered.

AUDIBLE ANNUNCIATOR. 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.

COORDINATOR. The person designated by the City Administrator to issue registrations and enforce the provisions in this article.

FALSE ALARM. An alarm signal eliciting an urgent response by police or fire personnel when a situation requiring an urgent response does not, in fact, exist, but does not include an alarm signal caused by acts of God or other extraordinary circumstances not reasonably subject to control by the alarm user. The burden of proof that such an alarm was not a false alarm shall be on the alarm user.

FIRE WATCH. A condition beyond normal staffing, undertaken when any required fire alarm system is out of service for more than four hours in a 24-hour period, requiring the assigning of additional personnel to walk the affected areas. The assigned individuals should be trained in fire prevention and in occupant and Fire Department notification techniques, and they should understand the particular fire safety situation.

KNOX BOX. A high security key box system; designed to give Fire Department and emergency services personnel access to locked buildings, elevators and other secured areas.

LOCAL ALARM SYSTEM. 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 outside of the protected premises.

MAINTENANCE. Repair service, including periodic inspections and tests, required to keep the fire alarm system and its component parts in an operative condition at all times, and the

replacement of the system or its components when they become undependable or inoperable for any reason.

NUISANCE ALARM. Any fire alarm caused by mechanical failure, malfunction, improper installation, or lack of proper maintenance, or any alarm activated by a cause that cannot be determined.

PRINCIPAL. The person, firm or corporation whose premises are protected by an alarm system. In the event that a building having more than one tenant, such as an apartment building, is protected by a single alarm system, **PRINCIPAL** means building owner; only one registration is required per building.

REGISTRATION. A 12-month period beginning on August 1st of each year and ending July 31st of the same year.

Sec. 9-3. General Alarm System Requirements.

(A) No alarm system shall be installed, used or maintained in violation of any of the requirements of this article.

(B) All fire alarm systems required by law, shall be installed, used and maintained in accordance with all applicable state laws.

(C) The holder of an alarm system registration shall be responsible for training and retraining all employees, family members and other persons who make regular use of the protected premises and who may, in the normal course of their activities, be in a position to accidentally trigger an alarm. Such training shall include procedures and practices to avoid accidental alarms, and steps to take in the event the system is accidentally triggered.

(D) The holder of the alarm system registration shall, at all times, be responsible for the proper maintenance and repair of the system and for the repair and replacement of any component, method of installment, design feature or like condition which may give rise to a false alarm.

(E) Alarms, other than fire alarms, shall be programmed so that each audible annunciator will automatically silence within 15 minutes of being activated, and will not sound again unless a new act or circumstance triggers a sensor.

(F) No test of an alarm system incorporating an audible annunciator shall be conducted between the hours of 8:00 p.m. of any day and 7:00 a.m. the following day.

(G) The application of an alarm system registration shall list the name and phone number of three persons, or an alarm answering service, having access to the premises and who may be notified to assist the Police or Fire Department personnel in the event the alarm is activated. The Principal shall immediately notify the Coordinator of any changes in this information. This information must be updated annually.

(H) The application for a fire alarm system registration installed in a commercial, industrial or multi-family dwelling must be accompanied by an inspection report from an inspector licensed by the State of Nebraska certifying the alarm system has been installed and is working properly.

(I) In all buildings, other than single-family residences or duplexes, with an installed fire alarm system, a Knox Box System must be installed on the exterior of the building adjacent to the main door. This must contain all necessary keys for complete access to the building and fire alarm

panel. The Knox Box can only be purchased with advanced authorization from the Fire Department.

Sec. 9-4. Registration Required.

(A) As of August 1, 2009, it shall be unlawful for any person within the zoning jurisdiction of the city or for any person who has the Beatrice Fire Department as a first responder to use or operate any alarm system without current valid registration thereof, not to include single-family residences and duplexes.

(B) Any person within the zoning jurisdiction of the city or any person who has the Beatrice Fire Department as a first responder installing a new alarm system after the effective date of this article shall have 30 days from the date of installation to obtain a registration therefore as required in this article, not to include single-family residences and duplexes.

(C) Any person who is a governmental entity or political unit shall be required to obtain an alarm system permit pursuant to the provisions of this article; however, such governmental entity or political unit is not required to pay the fee required for the issuance of the permit.

Sec. 9-5. Application for Registration; Fee; Fee Reduction for Residential Fire Alarm Systems.

Each application for an alarm system, registration or renewal shall be made on a form prescribed by the Coordinator and shall contain the following information:

(A) The name, address and telephone number of the Principal of the protected premises.

(B) The type of premises (apartment, office, variety store, etc.) and any business name by which the premises is known.

(C) The address of the protected premises, including if it is in an apartment complex, commercial or industrial complex 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 persons, or an alarm answering service.

(D) The application shall be accompanied by a fee payable to the city. The applicable fee shall be in such amount as set from time to time by the Mayor and City Council, and a current record of such amount shall be maintained by the City Clerk.

(E) Renewal applications shall be completed annually and will be accompanied by a fee payable to the city. The applicable fee shall be in such amount as set from time to time by the Mayor and City Council, and a current record of such amount shall be maintained by the City Clerk.

(F) Alarm system users in single-family residences and duplexes, while being excused from annual alarm registration, will not be excused from compliance with all provisions of the article, or from any fees incurred as a result of nuisance alarms.

Sec. 9-6. Issuance of Registration.

Upon receipt of the completed registration application and fee, the Coordinator shall, if it appears that the proposed system will comply with the provisions of this article, issue to the applicant a registration bearing an identifying number, and setting forth the expiration date. The city shall not, by the issuance of any alarm system registration, be obligated to respond or accord any priority to an alarm from such system.

Sec. 9-7. Term of Registration; Transfer; Termination; Renewal

(A) All alarm system registrations shall be valid for 12 months, and issued for the calendar year from August 1st to July 31st of the given year. No rebates, or reduction of registration fee will be granted for registrations issued that will expire in less than 12 months.

(B) All alarm system registrations shall automatically terminate upon any change of the Principal of protected premises. No registration may be transferred to another Principal or protected premises. No refunds will be given on termination of any registration for any reason.

(C) The renewal registration will not be issued until the applicable registration fee is paid, and a late charge, per month or any part thereof, will be assessed on all registration holders who do not pay the renewal fee prior to expiration of their existing registrations. The late charge shall be in such amount as set from time to time by the Mayor and City Council, and a current record of such amount shall be maintained by the City Clerk. The renewal application shall contain the Principal's signed statement that there have been no changes in the Principal or protected premises.

Sec. 9-8. Verification of Registration Information.

Prior to issuing an alarm system registration, and at any time thereafter during the term thereof, the Coordinator, or his designee, may conduct, or direct an investigation to be conducted as is determined necessary to verify that the information furnished by the application or permittee is correct and that the system is in conformance with the provisions of this article. The Coordinator shall maintain all information obtained by such inspection confidentially, unless such inspection reveals non-compliance with existing fire code and/or state statute, the Coordinator or his designee, may contact appropriate authorities as deemed necessary.

Sec. 9-9. Changes to Registration Information.

Within ten days following any change of circumstances, which renders obsolete any of the information, submitted pursuant to Section 9-5, the registrant shall file an amendment to his application setting forth the currently accurate information. No additional fee shall be required unless the change has terminated the registration as provided in Section 9-7.

Sec. 9-10. Required Information when Reporting an Alarm.

Any alarm answering service reporting an alarm to the Gage County Communications Center (911 Center), shall give the following information:

(A) The Principal or business name, the address of the protected premises, the type of premises, and the name by which the premises are known, if any. This information shall be repeated a second time at the end of the message.

(B) The name and telephone number of the Principal or agent having ready access to the protected premises; and

(C) The type of criminal activity or emergency that is indicated.

Sec. 9-11. False Alarm Fees.

(A) As a condition of any alarm system registration or usage, under the provisions of this article, the principal or the person responsible for the false alarm shall pay to the city, within 30 days of invoice, for any false alarm generated (from August 1 through July 31 of each year), a fee which

shall be in such amount as set from time to time by the Mayor and City Council, and a current record of such amount shall be maintained by the City Clerk.

(B) All fees will be doubled if a representative from the business or residence, generally those identified on the application for registration discussed in Section 9-3, does not respond to the property at the request of the police or fire personnel.

(C) For false and nuisance alarms occurring at a commercial or residential location that does not have a current and valid registration if required:

(1) The first false or nuisance alarm will serve as warning and notice that alarm registration is required,

(2) All subsequent false and nuisance alarms will carry a penalty fee which shall be in such amount as set from time to time by the Mayor and City Council, and a current record of such amount shall be maintained by the City Clerk.

(D) The city may revoke the registration of any alarm system other than a fire alarm system, having more than ten false alarms annually, or when the assessed fees become delinquent. The system must be removed from the protected premises within 15 days unless a decision by the Coordinator allows for reinstatement of alarm system registration.

Sec. 9-12. Notices.

(A) Notice or billing from the city to any registration holder shall be deemed to have been given or rendered on the date such notice or billing is deposited in the US mail, first class postage, prepaid, addressed to the registration holder at the address shown in the city's registration records. A certificate signed by the person who mailed the notice shall be prima facie evidence of the facts state therein with respect to such notice.

(B) Notice to the city or payment under this article shall be effective when received at the appropriate city office.

Sec. 9-13. Failure to Pay Fees.

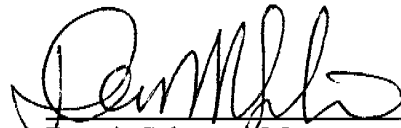
(A) For all non-fire alarm systems, if the alarm user fails to pay the registration fee or false alarm fees, written notice shall be sent to the user by certified mail. If payment is not made within ten days from the date of the mailing, then the user's permit to maintain an alarm shall be revoked by the Coordinator. The system must be removed from the protected premises within 15 days, unless a decision by the Coordinator allows for reinstatement of the alarm systems registration.

(B) In the case of a fire alarm system, for which the registration fees or nuisance alarm fees have not been paid, upon determination of the Coordinator, or his designee, registration may be revoked and the State Fire Marshall notified. If such action is taken in a location required by state law to have an operable fire alarm system, the premises may be closed until the alarm is brought into compliance, and/or fees have been paid, or an approved fire watch must be implemented."

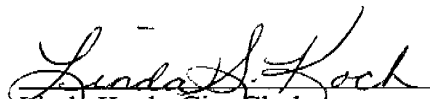
SECTION 3. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. That this ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

PASSED AND APPROVED this 18th day of May, 2009.


Dennis Schuster, Mayor

Attest:


Linda Koch, City Clerk

Readings:

By Number two times 5/4/2009