

ORDINANCE NO. 2-1-02

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

WHEREAS, pursuant to Neb. Rev. Stat. § 23-104, 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;

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

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

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

WHEREAS, the Sarpy 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 SARPY, NEBRASKA:

SECTION 1. Intent:

It is the intent of this Ordinance to limit the amount of, and provide the 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.

For purposes of this Ordinance, false alarms shall be defined as the activation of an alarm system of any type which automatically transmits a signal to law enforcement or emergency personnel and which results in the dispatch of law enforcement or emergency personnel in any instance in which there is no actual emergency or life hazard situation. For purposes of this Ordinance, emergency shall mean a sudden, unexpected, or impending situation which involves injury, loss of life, damage to the property, or catastrophic interference with the normal activities.

SECTION 2. Prohibited acts:

It shall be unlawful for any person to make, or cause to be made, a fire or police alarm known, or which in the exercise of reasonable care should be known, to be false.

Further, no alarm system which transmits a signal directly to an emergency response service shall be tested without prior notification to and consent of Sarpy County Emergency Response.

SECTION 3. Penalty:

Any person found to be in violation of this Ordinance shall be subject to the following fines:

First through Fifth False Alarms:	no fine
Sixth through Tenth False Alarms:	each \$50
Eleventh and beyond False Alarms:	each \$100

Fines shall be determined based upon the number of false alarms recorded within a twelve month period, beginning January 1 and ending December 31.

A false alarm shall not include instances in which the activation of the alarm system was caused by extraordinary circumstances. Extraordinary circumstances are defined, for purposes of this Ordinance, as those events and/or occurrences that are not reasonably subject to the control of the system owner nor to the control of the system owner's family, pets, guests, employees, tenants, and/or invitees (e.g. adverse weather).

If a false alarm is the result of an on-site employee of the alarm company or its designate alarm answering service, and not of any act(s) or omission(s) of the system owner, the false alarm shall not be counted against the system owner and the alarm company shall be subject to a fine of \$250.

SECTION 4. Appeal:

A presumption exists that a false alarm was within the control of the system owner. However, if such presumption results in the assessment of a fine that the system owner believes was not justified, the system owner may appeal the assessment of the false alarm fine to the Sarpy County Administrator within thirty (30) days of the assessment of the fine. The Sarpy County Administrator will work in conjunction with the Sarpy County Sheriff to review the appeal.

In making a decision, the Sarpy County Administrator may take into account information 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 caused by the act(s) or omission(s) of the system owner or the system owner's family, pets, guests, employees, tenants, and/or invitees.

If the system owner is not satisfied with the decision of the Sarpy County Administrator, the system owner may seek judicial remedies as permitted by law.

SECTION 5. Records:

The Sarpy County Sheriff shall cause to be maintained a record of the date and time of any false alarms received by any law enforcement or emergency department in which officers of the department responded. The record shall be open for inspection of the system owner or lessee, or their authorized representative, on regular business days between the hours of 8:00AM and 5:00PM at the Sarpy County Sheriff's Office.

SECTION 6. Effective area:

This Ordinance is effective in Sarpy County, but it shall not be effective within the corporate boundaries of Bellevue, LaVista, Springfield, Gretna, and Papillion; nor shall it be effective within the area outside of the corporate boundaries of Bellevue, LaVista, Springfield, Gretna, and Papillion in which those cities have been granted and are exercising powers by ordinance on a similar subject matter.

SECTION 7. Effective date:


This Ordinance shall take effect and be in force as of January 1, 2019, and as provided by law.

Passed and Adopted this 27th of November, 2018.


Sarpy County Board Chairperson



Attest:


Sarpy County Clerk Chief Deputy