

(Summary Publish in the Leavenworth Times on September 15, 2017)

ORDINANCE NO. 8057

AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE CODE OF ORDINANCES, CITY OF LEAVENWORTH, KANSAS, CHAPTER 42 EMERGENCY SERVICES, ARTICLE II, ALARM SYSTEMS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, KANSAS:

Section 1. That the Code of Ordinances, City of Leavenworth, Kansas, Chapter 42, Emergency Services, Article II, Alarm Systems be amended to read as follows:

Sec. 42-39. - Alarm user permits required; rate approval; alarm companies licensed.

Provisions relating to users of alarms and permits required shall be as follows:

- (1) Alarms from public institutions, federally insured financial institution buildings, and industrial, commercial and private buildings equipped with alarms will be monitored by the police department. The monitoring of any alarm system by the police department must be approved by the chief of police.
 - a. No automatic dialing devices may be programmed to dial any primary trunk line serving the police or fire department. A dedicated trunk line(s) will be provided by the police department for this purpose.
 - b. Supervisory controls must use a central alarm station, answering service or local alarm systems and will not be monitored by the police department. Supervisory controls are monitors on such things as sprinklers, thermostats and water controls.
- (2) All alarm users shall pay an alarm user's permit fee for each premises to the city clerk's office upon the effective date of the ordinance from which this article is derived or prior to installation of an alarm system or within the next business day after installation. Application for the alarm user's permit will be filed with the city clerk's office each year. A fee shall be charged for the alarm user permit as outlined in appendix F and subsection 2b below. Each permit shall be for a one-year period beginning July 1 of each year. Any new alarm user obtaining a permit in the last quarter the permit year will be allowed to obtain a following year permit at the same time.
 - a. A late charge set out in appendix F will be charged to users who fail to pay applicable permit fees within 30 days after the effective date of the ordinance from which this article is derived, or who do not pay applicable permit fees within 30 days of activating a new alarm system. Any alarm user not renewing by paying applicable permit fees by June 30 of each year will be assessed a late fee.
 - b. No permit shall be renewed if an outstanding balance of alarm response fees exists.

- c. If a permit is not renewed, the fee for any false alarm responses shall be the same as "permit revoked" in appendix F.
- (3) An alarm company doing business in the city shall obtain a license from the city clerk. Application fee for the license shall be set out in appendix F with an annual renewal date of July 1 of each year.

Each application for license shall include the following information:

- a. Address and phone number of parent company.
- b. Local address and phone number of representative of the parent company.
- c. State sales tax number.
- d. Brief description of the nature of the company's business.
- e. Current list of the names of at least two responsible persons to contact in an event of an emergency regarding the systems the company is responsible for.

A late charge as set out in appendix F will be assessed to alarm companies who fail to obtain a license within 30 days after notification of the conditions of this article, or does not renew by June 30 each year. Each alarm company selling, leasing or furnishing to any alarm user an alarm system which is installed on premises located within the city limits shall furnish the alarm user with instructions and training for its personnel that provides information to enable the alarm user to operate the alarm system properly and to locate and obtain service for the alarm system at any time, and will make them aware of this article by providing them with a printed copy of the ordinance from which this article derives at the time of sale.

- (4) Each alarm company obtaining a permit shall present to the city clerk proof of general liability insurance in the minimum amount of \$500,000.00 covering work performed in the city. The policy shall require the insurance carrier to notify the city clerk 30 days prior to expiration of the insurance coverage.
- (5) Each alarm company shall notify the city clerk's office of all new alarm installations within 60 days of such installation.
- (6) Each late notification will result in a late reporting fee of \$25.00 per late notification.
- (7) Each alarm company shall keep its alarm monitoring equipment in satisfactory condition at all times.
- (8) No alarm company license shall be renewed if a balance of outstanding fees exists at the time of application.

Sec. 42-40. - False alarms; permit revocation.

Provisions relating to false alarms and the revocation of permits shall be as follows:

- (1) Any alarm system which has six false alarms within the last 12-month period shall be subject to permit revocation as provided in this section.
- (2) If the police department records six false alarms within the last 12-month period for any alarm system:

- a. The chief shall notify the responsible party by certified mail of such fact and direct that the user submit a report to the chief within five working days of receipt of the notice describing actions taken or to be taken to discover and eliminate the cause of the false alarms.
- b. If the alarm user submits a report as directed, the chief shall determine if the action taken or to be taken will substantially reduce the likelihood of false alarms, and, if so, he shall notify the alarm user in writing that his permit will not be revoked at that time; however, for each additional false alarm the user will be charged a fee as set out in appendix F. If the police department records 12 false alarms in the last 12-month period, the permit shall be revoked and a fee for revoked false alarm response as set out in appendix F shall be charged for all subsequent false alarm responses. If the alarm user provides sufficient proof that the problems have been corrected, the chief of police may reinstate the permit with a fee required to be paid by the alarm user as specified in appendix F. The fees for false alarms will return to the lowest level as established by appendix F.
- c. If no report is submitted, or if the chief determines that the action taken or to be taken will not substantially reduce the likelihood of false alarms, the permit user fails to pay the false alarm fees, or if in the chief's judgment the alarm user demonstrates no intention to cooperate in reducing false alarms, the chief shall give notice by certified mail or in person to the user and alarm company that the alarm permit shall be revoked without further notice if the user does not file, within ten days, a written request for a hearing. The revocation for this location shall stand until removed by the chief of police regardless of a change in ownership or tenant.
- d. If a hearing is requested, written notice of the time and place of the hearing shall be served on the alarm user by the chief by certified mail or in person. The hearing date shall not be more than 15 nor less than five days after the filing of the request for the hearing.
- e. The hearing shall be before a hearings officer designated by the city manager. The chief of police and the alarm user shall have the right to present written and oral evidence, subject to the right of cross examination. If the hearings officer determines that more than 12 false alarms have occurred and that the user has not taken action which substantially reduces the likelihood of false alarms, he shall issue written findings to that effect and uphold the chief's action for permit revocation. If the hearing officer determines the user has taken action that will reduce the likelihood of false alarms, the user will retain the alarm user's permit and the hearing officer may reduce the number of false alarms charged against the user.
- f. Whenever the police department or fire department has responded to any alarm sound, signal or message emitted or transmitted from or by an alarm system or proprietor alarm, the permit for which has been suspended or revoked, or for which there was not previously issued a permit in accordance with this article, or for which six or more false alarms have occurred in the last 12-month period, the police chief shall promptly transmit a report of appropriate fees as set out in appendix F to the city clerk, together with an appropriate report relating the facts and circumstances concerning the incident to which the report of fees relates. The city clerk shall cause billing for the total fees as reported by the chief to be mailed or otherwise transmitted to all of the following or as many as are

shown to be involved in connection with the particular incident and with the alarm system thereby involved:

1. The responsible party as listed on the alarm permit;
2. The owner or landlord of the property where the alarm system is operated, if such property is vacant; and
3. Any other person shown to have activated the false alarm (if such was the case) intentionally, carelessly, or by negligent act or omission. Upon billings being mailed or transmitted, each person so billed shall become indebted and liable, severally and jointly, for payment to the city of the entire amount due, and additionally for such further legal costs as may be incurred by the city, including a reasonable attorney's fee to be set by the court, in the event the total amount billed is not paid and it becomes necessary for the city to resort to legal action in order to collect. If any billing is not paid within 60 days, an action or actions may be brought for collection of any amounts due. Permits shall not be renewed if unpaid response or permit filing fees exist.

Sec 42-41 Violations and Penalties

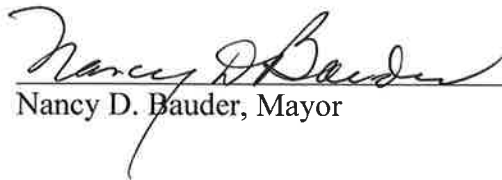
All violations of the Alarm System Ordinance shall be an unclassified offense with a fine not exceeding \$500.00. The violations include but are not limited to failure to obtain and renew the required alarm user permit by residents, failure of an Alarm company doing business in the City of Leavenworth to obtain a license from the City Clerk as set forth in 42-39, and appendix F which includes renewal and liability insurance and Violations of false alarms and permit revocation set forth in 42-40.

Section 2. That Sections 42-39 through 42-41 amended herein and all other sections in conflict herewith are hereby repealed.

Section 3. That this Ordinance shall take effect and be in force from and after its passage and publication as provided by law.

Passed by the Leavenworth City Commission on this 12th day of September, 2017.





Nancy D. Bauder, Mayor


Carla K. Williamson, City Clerk, CMC