

**AGENDA
LEBANON CITY COUNCIL
OCTOBER 16, 2019**

9. NEW BUSINESS:

**9.F – DISCUSSION & SET PUBLIC HEARING FOR NOVEMBER 6, 2019:
ORDINANCE #2019-13 TO AMEND CITY CODE CHAPTER 11, ALARMS**

BACKGROUND

In 2006, the City of Lebanon amended Chapter 11 to implement a fee structure for alarm users who are monitored by Lebanon Public Safety Communications. Alarm users include those that are part of the city-owned municipal fire alarm system, and those that have private fire and burglar alarms. Currently, the system monitors over 300 alarms at a rate of \$250 per year. This fee does not account for city maintenance costs for the municipal fire alarm system.

PROPOSED CHANGE

The new language in Chapter 11 proposes to raise the fee for commercial users to \$500 per year. Based on current alarm user numbers this will raise \$157,000 or an additional \$78,500 over current annual revenue. This accounts for approximately 75% of the Fire Alarm Budget in the Fire Department. (Note: we do not charge city departments a monitoring fee.) The municipal fire alarm system maintenance is approximately 78% of the Fire Alarm Budget. The fee for residential monitoring would remain at \$250 per year.

JUSTIFICATION

- Fees have not been updated since 2006.
- The costs for a private 3rd party vendor for alarm monitoring would be \$336 per year plus \$80 per month for a dedicated phone line equaling \$1320.00 per year.
- Additional revenue will help fund the current and future maintenance of the aging system.

ACTION

The following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, November 6, 2019, beginning at 7:00pm in Council Chambers, City Hall, for the purpose of receiving public input and taking action on proposed Ordinance #2019-13, to amend City Code Chapter 11, Alarms, to update fees for Commercial Users.

Included in this Section:

1. Ordinance #2019-13, Chapter 11 Alarms

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CITY OF LEBANON
ORDINANCE #2019-13

AN ORDINANCE TO AMEND the Code of the City of Lebanon, Chapter 11, Alarms.

BE IT ORDAINED, by the City Council or the City of Lebanon, as follows:

Section 1

The Code of the City of Lebanon is hereby amended to revise Chapter 11, Alarms, as follows:

§ 11-5. Alarm user and Maintenance and alarm company customer permits required.

The Communications Supervisor is hereby authorized to issue alarm user and maintenance permits under § 11-6, and alarm company customer permits under § 11-11. Such permits shall be obtained through the Communications Supervisor's office. Every alarm user shall obtain an alarm user and maintenance permit for each alarm system he or she operates which is connected to the alarm receiving equipment at the Center prior to the alarm being connected and monitored. Every alarm company customer shall obtain an alarm company customer permit for each alarm system he or she operates which is connected to an alarm company prior to making the connection to the alarm company. Alarm companies are not required to obtain permits, but they are required to maintain and provide to the Communications Supervisor an updated and current list of all alarm company customers.

§ 11-6. Alarm user permit application.

The applicant for an alarm user and maintenance permit shall complete the application provided by the Communications Supervisor. The alarm user shall provide all information which may be required by the Communications Supervisor. Failure to provide any required information shall be considered sufficient cause to refuse to grant a permit.

§ 11-7. False statements on application.

Any false statements or the misrepresentation of any facts made on the application for the purpose of obtaining an alarm user and maintenance permit or the renewal of a permit shall be considered sufficient cause to refuse to grant a permit or to revoke an existing permit.

§ 11-9. Suspension and revocation of permit.

Grounds for revocation or suspensions. The following shall constitute sufficient grounds for the revocation, or suspension for a stated period, of an alarm user and maintenance permit or of an alarm company customer permit issued under § 11-11:

- The violation of any of the provisions of this chapter.
- The failure to comply with any applicable law or ordinance.
- False, misleading or fraudulent statements of fact knowingly made on either the application for an alarm user permit or an alarm company customer permit application or in any report or record related to the alarm system by the alarm user or his/her employees or agents.

- The failure to pay any fee imposed on the alarm user or alarm company customer as set forth under this chapter. Failure to pay the annual permit fee shall be subject to the provisions of § 11-14.
- The failure of an alarm user or alarm company customer permit holder to reduce the rate of false alarms after being notified by the Chief that the false alarm rate attributable to the permit holder is unreasonable in light of the type of property or number of customers involved. The possibility of revocation under this subsection is in addition to the false alarm fee set forth in § 11-12.

Revocation procedure. If the Chief determines that the grounds for revocation or suspension of a user permit or alarm company customer permit exist, then he/she shall serve the permit holder with a written order of revocation, which shall state the reasons for the revocation. Service shall be made in either of two ways:

1. Personal, in-hand service of the written order of revocation on the alarm user or alarm company customer permit holder; or
2. Service by certified mail, return receipt requested, to the alarm user or alarm company customer permit holder at his/ her most recent address.

Effective date of revocation. If the order of revocation is served by personal in-hand service, it shall become effective five calendar days after the date of service. If the order of revocation is served by certified mail, return receipt requested, it shall become effective seven calendar days after the date of deposit in the United States mail; provided, however, that if an appeal is made to the City Manager within the seven days under § 11-13 of this chapter, the revocation shall not become effective until 48 hours after the appeal is resolved by determination of the City Manager, unless the Chief makes a written finding that such a delay would have an adverse impact on public safety.

Rescission of revocation order. An order for revocation may be rescinded by the Chief if, within the five- or seven-day period between service and the effective date of the order of revocation, whichever is applicable, the permit holder cures the default which gave rise to the order of revocation. The decision whether or not to rescind an order of revocation shall be within the sole discretion of the Chief.

Disconnection. Upon the effective date of an order of revocation of an alarm user's permit, the alarm system shall be immediately disconnected from the City's equipment.

Right to appeal. All alarm users or alarm companies' customers shall have the right to appeal the revocation of their permit as set forth under § 11-13 of this chapter.

Application for permit following revocation. An alarm user and maintenance or alarm company customer whose permit has been revoked may apply for a new permit. However, the Communications Supervisor is not required to issue a permit to such person unless satisfied that the user has corrected the condition which led to the revocation. If a permit is issued, the Communications Supervisor may impose any reasonable restrictions and conditions.

§ 11-10. Fee structure.

Alarm user and maintenance permit fee. All commercial alarm users obtaining permits shall pay an annual permit fee and an annual renewal fee of ~~\$250~~500 and all residential alarm users an annual fee of \$250.00. This fee is to help reimburse the City for the costs of connection, ~~and~~ monitoring of alarm systems, and system maintenance and shall be payable to the City of Lebanon. There is no permit fee for alarm company customer permits.

Out of date call-out list fee. Should the Center go through an alarm user's emergency call-out list, or an alarm company customer's call-out list, and find it to be out of date, then a fee ~~of~~ \$50 will be imposed upon the alarm user or alarm company customer. It shall be the responsibility of the alarm user and alarm company customer to keep emergency call-out lists up-to- date. For purposes of this section, an out of date emergency call-out list shall mean a list, which, because of the passage of time, no longer contains accurate information as required by § 11-8 or 11-11 of this chapter. When property which is subject to an alarm user permit is sold, it is the responsibility of the seller to notify the Center so that the alarm may be disconnected or the out of date call-out list fee shall apply.

Voice dialer alarm fee. A fee of a maximum of \$500 for commercial and residential shall be paid by any alarm user who violates the provisions of § 11-15 of this chapter.

§ 11-14. Failure to pay annual fee.

If any alarm user fails to pay the annual fee for the alarm user and maintenance permit or any other fee provided for under this chapter, written notice shall be sent to the user. If payment is not made within seven days from the date of mailing, the Center reserves the right to disconnect the alarm user's alarm system from the City's equipment, following a seven- day notice as provided in § 11-9B and C of this chapter. If an alarm system is disconnected from the City's equipment, the alarm user will be notified verbally immediately with a follow-up written notice to be sent within seven days from the date of disconnection.

§ 11-16. Exclusion of fees.

Fees involved in this chapter shall not apply to an alarm system installed in any building owned by the City of Lebanon ~~or public schools~~ located within the boundaries of the City of Lebanon.

Section 2: Severability

The provisions of this ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses or part of this ordinance.

Section 3

Effective date: this Ordinance shall be effective upon passage.

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