

## CHAPTER 16

### POLICE

#### Article

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## CHAPTER 16

### POLICE

#### ARTICLE 1

#### MISCELLANEOUS PROVISIONS

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#### **16-1-1. Employees; residence.**

All employees, except the Police Chief, of the Police Department shall reside not to exceed fifteen (15) miles from the City Limits but, regardless, not to exceed thirty (30) minutes' response time to the City Hall from the time of notification by the Police Department as determined by the Police Chief. (Ord. 3378, 1994)

#### **16-1-2. Personnel; appointment.**

The personnel of the Police Department shall be appointed by the City Manager. (Ord. 3378, 1994)

#### **16-1-3. Police; duties; general.**

It shall be the duty of all police officers of the City to become thoroughly conversant with the ordinances of the City. (Ord. 3378, 1994)

#### **16-1-4. Transportation of monies, valuables; police escort service.**

(1) Police Department escort service during the transportation of monies or valuables shall be available upon the request of private individuals or entities. Any eligible recipient who shall request such service shall pay to the City the sum of ten dollars (\$10.00) in respect of each escort provided. The escort is complete when an officer accompanies a recipient from the place designated by the

recipient to the recipient's destination. If the recipient desires that the officer accompany the recipient back to the place where the escort began, or to another place, this will be considered to be a separate escort for which a separate fee shall be paid. If the service is requested on a continuing basis, the payment(s) due may be billed monthly and shall be payable upon receipt of the statement. If the service is requested only on a single occasion or intermittently, payment shall be made at the time of request for service.

(2) If, during an escort, the immediate presence of the escorting officer(s) is required elsewhere on police business, the officer may terminate the escort without liability to the city. The escorting officer(s) shall have the discretion to determine whether the escort shall be terminated under this subsection. If an escort is terminated the recipient of the service shall not be obligated to pay the fee.(Ord. 3825, 2005)

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## (a) DEFINITIONS

### **16-2-1. Definitions; generally.**

The terms defined in subsequent sections of this Article which shall have the meaning, when used in this Article, that is given to the terms in the following sections. (Ord. 2827, 1983)

### **16-2-2. Alarm, false.**

“False alarm” means any signal created by an alarm system (including but not limited to alarm signals initiated by human error) which directly or indirectly notifies public safety personnel of the City of a fire, life hazard or medical emergency, or a burglary, robbery or other criminal offense, when either of the following circumstances is present:

- (1) no such emergency or hazard has occurred or, as the case may be, is occurring, or
- (2) public safety personnel or emergency medical personnel are not needed to respond to such emergency or hazard.

Provided, false alarm shall not include a signal activated by fire, lighting, tornado winds, flooding or earthquake, or by telephone or power line malfunction verified in writing by the telephone company or power district within seven (7) days after the alarm. (Ord. 2827, 1983)

### **16-2-3. Alarm, police.**

“Police alarm” means any communication, or attempted communication, whether in person or by a mechanical, electrical or electronic device, that is intended or is designed to elicit a prompt response by the Police Department. (Ord. 2827, 1983)

### **16-2-4. Alarm system.**

“Alarm system” means any mechanical, electrical or electronic device that is arranged, designed, or used to signal the occurrence in the City of a life hazard or medical emergency, or a burglary, robbery, or other criminal offense. Alarm systems include, but are not limited to, those by which public safety personnel of the City are notified directly of such signals by automatic recording devices, or are notified indirectly by way of third persons who monitor the alarm systems and who report such signals to public safety personnel. Alarm systems also include those designed to register

a signal which is so audible, visible, or in other ways perceptible outside a protected building, structure, or facility as to notify persons in the neighborhood beyond the lot where the signal is located, who may in turn notify public safety personnel of the City of the signal. Alarm systems do not include those affixed to automobiles, or auxiliary devices installed by telephone companies to protect telephone equipment, or systems which might be damaged or disrupted by the use of an alarm system. (Ord. 2827, 1983)

**16-2-5. Consolidated Communications Center.**

“Consolidated Communications Center” means that Department of the County of Scotts Bluff established by an interlocal cooperation agreement between the City of Scottsbluff, the City of Gering, and the County of Scotts Bluff dated October 1, 1990, and any subsequent amendments thereto.

**16-2-6. Director.**

“Director” means the Director of the Consolidated Communications Center.

**16-2-7. Owner; lessee.**

“Owner” or “lessee” means any person, firm, corporation, partnership, or entity who or which purchases, leases, contracts for or obtains an alarm system. (Ord. 2827, 1983)

**16-2-8. Public safety personnel.**

“Public safety personnel” means the officers and other members of Police Department. (Ord. 2827,, 1983)

**16-2-9. Vendor.**

“Vendor” means any person, firm, corporation, partnership, or entity associated with an alarm business or company, either indirectly or directly, whose duties include but are not necessarily limited to, any of the following: selling, replacing, moving, repairing, maintaining, or installing an alarm system on or in any structure, building, or facility. (Ord. 2827, 1983)

**(b) REGULATIONS**

**16-2-10. Alarm system; regulation; general.**

No alarm system shall be installed, maintained or used in violation of any of the requirements of this Article, or of any applicable statute, law or administrative regulation of the United States of America or the State of Nebraska. (Ord. 2827, 1983)

**16-2-11. Burglar alarm systems; requirements.**

All burglar alarm systems shall incorporate a device:

(1) that allows an adequate delay before the time at which activation of the system will directly or indirectly signal public safety personnel, or signal other parties who in turn might be expected to notify public safety personnel; the delay time shall be such as will permit the owner of lessee to stop a false alarm from being transmitted; or

(2) that limits any exterior signal to a period of time not to exceed fifteen minutes in duration, and that causes the alarm system automatically to cease emitting a signal at the expiration

of the maximum time permitted. (Ord. 2827, 1983)

**16-2-12. Automatic dialing, calling devices; interconnection.**

Persons owning or leasing an automatic dialing or calling device situated on premises within the City, upon obtaining a permit therefor as provided in this Article, may, if authorized as provided in this Article, have the device interconnected to a telephone line transmitting directly to:

- (1) a privately-owned central alarm panel or station,
- (2) an answering service, or
- (3) the Consolidated Communications Center.

An automatic dialing device also may be interconnected to one or more telephone numbers available to the owner or lessee.

No automatic dialing or calling device shall be interconnected to any emergency telephone trunkline terminating in the Consolidated Communications Center except as authorized in this Article, and no such device shall be connected to any telephone line of other offices or departments of the City. (Ord. 2827, 1983)

**16-2-13. Same; recorded messages.**

Alarm systems that automatically dial or call a telephone line that has been designated by the City as provided in this Article shall comply with the following requirements:

- (1) the total length of the recorded message being transmitted to the Consolidated Communications Center (including repetition of message) shall not exceed thirty (30) seconds' duration;
- (2) the recorded message transmitted shall be repeated not less than two (2) nor more than three (3) times;
- (3) the recorded message being transmitted shall incorporate language specifically identifying the message as a "recording," with the balance of the message identifying by street number and name the location of the emergency and the nature of the event which caused the alarm system to activate. If the location of the event signaled by the alarm system is in a multifamily building or a multi-unit office or commercial building, the message shall also identify by number and floor the particular dwelling unit, office unit or commercial unit in which the event occurred or is occurring; and
- (4) the recorded message being transmitted shall be appropriate for the purpose for which the alarm system was installed, and the message in its entirety shall be intelligible and spoken in the English language. (Ord. 2827, 1983)

**16-2-14. Alarm system; permit; required.**

It shall be unlawful for any person to maintain, interconnect with or use any alarm system within the City without a current valid permit therefor as provided in this Article. (Ord. 2827, 1983)

**16-2-15. Same; application.**

Each application for an alarm system permit shall be made on a form prescribed by the Director, and shall contain the following information:

- (1) the name, address and telephone number of the owner or lessee, who shall be an adult

occupant of the protected premises;

(2) the type of premises (home, office, other), and any business name by which the premises are known;

(3) the address of the protected premises, including, if the premises are in a multiple unit residential, commercial or industrial structure or complex, any name by which the structure or complex is commonly known;

(4) the names, addresses and telephone numbers, including home phone numbers, of all agents having authority or responsibility with respect to the structure or complex;

(5) if the alarm system component consists of automatic dialers, the number and type thereof, the location of all remote annunciators, and the names and telephone numbers of all persons or businesses which are or may be preselected for automatic dialer contact;

(6) the name, address and telephone number of the person with whom the owner or lessee has contracted for maintenance of the alarm system;

(7) the names, addresses and telephone numbers of those persons (not less than two) who can be contacted by the Consolidated Communications Center 24 hours a day and seven days a week to turn off or deactivate the alarm system; and

(8) a statement that the owner or lessee, in consideration of the issuance of the requested permit, has read and agrees to be bound by the terms of this Article. (Ord. 2827 1983)

#### **16-2-16. Same; fees.**

If an alarm system component is to be connected to an alarm panel in the Consolidated Communications Center:

(1) the application for an alarm system permit shall be accompanied by a connection fee in the amount provided in Chapter 6, Article 6.

(2) the owner or lessee shall pay annually, in addition, a maintenance and monitoring fee in the amount provided in Chapter 6, Article 6 payable, in the first instance, with the application, but no connection fee shall be payable by owners or lessees of an alarm system component which is connected to the alarm panel at the time of enactment of this Article.

If the alarm component is an automatic dialer to be interconnected to a telephone in the Consolidated Communications Center, or is a system which provides for a third party relay of calls to such a telephone, the owner or lessee shall pay to the Consolidated Communications Center annually a monitoring fee in the amount provided in Chapter 6, Article 6, and a fee in such amount shall be paid, in the first instance, with the application for a permit.

If a permit shall be issued, fees which accompanied the application shall be retained; otherwise, they shall be refunded.

This section shall not apply to alarm system components owned or leased by the City, and State or federal agency, or other public law enforcement officials or departments. (Ord. 2827, 1983)

#### **16-2-17. Same; investigation: permit; issuance.**

Upon receipt of the permit application and fee, if any, the Director shall cause to be made such investigation as he or she deems necessary. If it appears to the Director that the proposed system will comply with the provisions of this Article, he or she shall issue to the applicant a permit bearing an

identifying number, specifying the alarm system for which it is issued, and setting forth the expiration date of the permit. Provided, a permit to interconnect a component of an alarm system situated outside the corporate limits of the City with an alarm panel or telephone(s) of the City shall not issue unless the Director shall find in writing that such connection will not overburden the Center's alarm system during the period of the permit. (Ord. 2827, 1983)

**16-2-18. Same; permit; renewal.**

Alarm systems permits shall not be extendable or renewable as a matter of right beyond the period for which a maintenance or monitoring fee has been paid as provided in this Article. (Ord. 2827, 1983)

**16-2-19. Alarm systems; inspection.**

The Director may inspect, or cause to be inspected, any alarm system for which a permit is required or for which a permit has been issued, for the purpose of ascertaining that information furnished by the application or permittee is correct, and that a system for which a permit has been issued is being maintained in conformance with the requirements of this Article. (Ord. 2827, 1983)

**16-2-20. Permit; suspension,**

The following shall be grounds for suspension by the Director or Police Chief of any permit issued pursuant to this Article:

- (1) any false or incomplete statement made on the permit application,
- (2) programming an automatic dialer to select any City of Scottsbluff telephone line,
- (3) failure to pay an annual maintenance or monitoring fee as provided in this Article,
- (4) failure to pay a false alarm charge within the time required,
- (5) maintenance, installation or use of the alarm system in violation of any applicable law, ordinance or regulation, including the requirements of this Article, and
- (6) failure to provide current information as required.

If the Director or Chief of Police determines that there is cause for the suspension of a permit, he or she shall mail a notice of suspension to the owner or lessee at the latter's last known address, stating that the suspension will be effective thirty days after the date of mailing, unless a notice of appeal is filed with the City Manager on or before the effective date. The notice of suspension shall be signed by both the Director and the Police Chief. (Ord. 2961, 1986)

**16-2-21. Same; appeal.**

Any owner or lessee to whom has been mailed a notice of suspension as provided in this Article may appeal the suspension to the City Manager. The filing of a notice of appeal shall stay the suspension until disposition of the appeal by the City Manager after notice and hearing. (Ord. 2827, 1983)

**16-2-22. Vendors; duties.**

Any vendor installing or maintaining an alarm system shall cause such installation or maintenance to conform to the requirements of this Municipal Code. (Ord. 2827, 1983)

**16-2-23. Permit holder; installation; maintenance.**

The holder of an alarm system permit shall, at all times, be responsible for the proper installation,

maintenance and repair of the system, including, but not limited to, design features, method of installation, the repair or replacement of any component, or any condition which may give rise to a false alarm. (Ord. 2827, 1983)

**16-2-24. Same; training.**

The holder of an alarm system permit shall be responsible for training and re-training all employees, family members and other persons who may make regular use of the protected premises and who may, in the normal course of their activities, be in a position to accidentally trigger a sensor. Such training shall include procedures and practices to avoid accidental alarms, and steps to follow in the event the system is accidentally triggered. (Ord. 2827, 1983)

**16-2-25. Same; change in circumstances.**

Within the ten (10) days following any change of circumstances which render obsolete any of the information submitted on an application for an alarm systems permit, the holder of the permit shall file an amendment to his or her application setting forth the currently accurate information. No additional fee shall be required, unless the change is of such character that the permit is no longer applicable to the alarm system for which the permit was issued. (Ord. 2827, 1983)

**16-2-26. Alarms; response by Police Department.**

The Police Department may elect not to respond to an alarm from an alarm system which does not comply with all of the provisions of this Article. Regardless, the issuance of an alarm system permit under this Article shall not impose upon the Police Department an obligation to respond, or liability for failure to respond, to any alarm from such system, and shall not require the Department to accord any priority to such alarm. (Ord. 2827, 1983)

**16-2-27. Same; notification of owner or lessee; response by owner or lessee.**

Upon receiving an emergency alarm signal, the Police Chief shall promptly cause the owner or lessee, or his or her authorized representative, to be notified thereof by telephone, if reasonably possible, and the owner or lessee or his or her authorized representative, shall immediately come to the premises in person. (Ord. 2827, 1983)

**16-2-28. Alarm system; use; general.**

No alarm system shall be activated or used except for the purpose of summoning Police Department personnel for emergency or life hazard situations. Without the prior express consent of the Director, alarm systems shall not be tested so as to transmit a signal to personnel of the Police Department when an emergency of life hazard situation does not exist. (Ord. 2827, 1983)

**16-2-29. False alarm; prohibited.**

It shall be unlawful for any person to make, or cause to be made, a police alarm known, or which in the exercise of reasonable care should be known, to be false. (Ord. 2827 1983)

**16-2-30. Same; presumption.**

If police units, responding to an alarm and checking the premises according to standard operating procedure, do not discover any evidence of unauthorized entry or criminal activity, there shall be a rebuttable presumption that the alarm was false. (Ord. 2827, 1983)



**16-2-31. Same; record.**

The Police Chief shall cause to be maintained a record of the date and time of any false alarms received by the Department and of the officers of the Department who responded. The record shall be open for the inspection of the owner, or lessee, or his or her authorized representative, on regular business days between the hours of 8:00 A.M. and 4:00 P.M. at the office of the Chief of the Department.

**16-2-32. Same; notice to comply; disconnect.**

In the event a false alarm was, or may have been, the result of improper design, installation or maintenance of the owner's or lessee's alarm system component, the Police Chief shall (except in cases provided in section 16-2-33) notify the owner or lessee to cause the component to comply with the requirements of this Article within the time specified in the notice, and may order the component disconnected immediately pending such compliance. Such notice may be either oral or in writing, in the Chief's sound discretion. The ordered disconnection shall be done in such manner that signals are not emitted so as to notify the Consolidated Communication Center by a signal on its alarm panel, or directly or indirectly through automatic telephone recording devices, or to register a signal which is audible, visible, or in other ways perceptible outside a protected building, structure, or facility as to notify persons in the neighborhood who may in turn notify the Police Department.

**16-2-33. Same; excessive number.**

In the event that, within any period of twelve (12) months, in excess of four (4) false alarms shall be transmitted by any alarm system component connected to a panel in the Consolidated Communication Center, or by any automatic dialer or a third party relay to a telephone in the Consolidated Communication Center, and such alarms result in responses by the Department to the scene, the owner or lessee shall pay to the City, as the liquidated amount of expense incurred by the Department in connection with such responses, the amount provided in Chapter 6, Article 6, after written notice from the Police Chief, mailed to the owner or lessee at his or her last known address, specifying the alarms and responses. (Ord. 2961, 1986)

**16-2-34. Administration of provisions.**

The Police Chief shall administer the provisions of this Chapter.

**16-2-35. Violations; penalty.**

A violation of any provision of this Article is a Class II violation. Each day a violation continues shall constitute a separate offense. (Ord. 2827, 1983)