

**ORDINANCE NO. 18-02**

**AN ORDINANCE AMENDING THE OLATHE MUNICIPAL CODE; ADDING A NEW CHAPTER TO TITLE 5, ADDING SECTIONS 5.56.010, 5.56.020, 5.56.030, 5.56.040, 5.56.050, 5.56.060, 5.56.070, 5.56.080, 5.56.090, 5.56.100, 5.56.110, 5.56.120, 5.56.130, 5.56.140 AND 5.56.150 PERTAINING TO ALARMS SYSTEMS; ALSO REPEALING O.M.C. CHAPTER 9.25, SECTIONS 9.25.010 THROUGH 9.25.140, INCLUSIVE.**

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

**SECTION ONE:** Section 5.56.010 of the Olathe Municipal Code is hereby added to read as follows:

**“5.56.010 Purpose.**

(A) The purpose of this Chapter is to encourage alarm users and alarm companies to maintain the operational reliability, properly use alarm systems, and reduce or eliminate false alarm dispatch request.

(B) The Chapter governs systems intended to summon police response, requires permits, establishes fees, provides for fees for violations, establishes a system of administration and sets conditions for suspension or loss of permits.”

**SECTION TWO:** Section 5.56.020 of the Olathe Municipal Code is hereby added to read as follows:

**“5.56.020 Definitions.**

“Alarm Administrator” means a person or persons designated by the governing authority to administer, control and review False Alarm reduction efforts and administer the provisions of this ordinance.

“Alarm Company” means an alarm installation company or monitoring company.

“Alarm Installation Company” means a Person in the business of selling, providing, maintaining, servicing, repairing, altering, replacing, moving or installing an Alarm System in an Alarm Site.

“Alarm Dispatch Request” means a notification to a law enforcement agency that an alarm, either manual or automatic, has been activated at a particular Alarm Site.

“Alarm Registration” means an authorization granted by the Alarm Administrator to an Alarm User to operate an Alarm System or to an Alarm Company to install or monitor an Alarm System.

“Alarm Site” means a single fixed premise or location served by an Alarm System or Systems. Each unit, if served by a separate Alarm System in a multi-unit building or complex, must be considered a separate Alarm Site.

“Alarm System” means a device or series of devices, which may be monitored or unmonitored, including, but not limited to, hardwired systems and systems interconnected with a radio frequency method such as cellular or private radio signals, which emit or transmit a remote or local audible, ~~visual~~ or electronic signal indicating an alarm condition and intended to summon law enforcement response, ~~including Local Alarm Systems~~. Alarm System does not include an alarm installed in a vehicle or on someone’s Person unless the vehicle or the personal alarm is permanently located at a site. Alarm System does not include any device or series of devices that provides only Video Verification.

“Alarm User” means any Person which has contracted for Monitoring, repair, installation or maintenance service from an Alarm Installation Company or Monitoring Company for an alarm system, or which owns or operates an Alarm System which is not monitored, maintained or repaired under contract.

“Alarm User Awareness Class” means a class conducted for the purpose of educating Alarm Users about the responsible use, operation, and maintenance of Alarm Systems and the problems created by False Alarms.

“Arming Station” means a device that allows control of an Alarm System.

“Automatic Voice Dialer” means any electrical, electronic, mechanical, or other device capable of being programmed to send a prerecorded voice message, when activated, over a telephone line, radio or other communication system, to a law enforcement, public safety or emergency services agency requesting dispatch.

“Cancellation” means the process where response is terminated when a Monitoring Company (designated by the Alarm User) for the Alarm Site notifies the responding law enforcement agency that there is not an existing situation at the Alarm Site requiring law enforcement agency response after an alarm dispatch request.

“Conversion” means the transaction or process by which one Alarm Installation Company or Monitoring Company begins the servicing and/or

Monitoring of a previously unmonitored Alarm System or an Alarm System previously serviced and/or monitored by another Alarm Company.

“Duress Alarm” means a silent Alarm System signal generated by the entry of a designated code into an Arming Station in order to signal that the Alarm User is being forced to turn off the system and requires law enforcement response.

“False Alarm” means an Alarm Dispatch Request to a law enforcement agency, when the responding law enforcement officer finds no evidence of a criminal offense or attempted criminal offense after having completed a timely investigation of the Alarm Site.

“Holdup Alarm” means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress.

“Law Enforcement Authority” means the Chief of Police or other authorized representative of the Olathe Police Department.

~~“Local Alarm System” means any Alarm System, which is not monitored, that annunciates an alarm only at the Alarm Site.”~~

“Monitoring” means the process by which a Monitoring Company receives signals from an Alarm System and relays an Alarm Dispatch Request to the municipality for the purpose of summoning law enforcement to the Alarm Site.

“Monitoring Company” means a person in the business of providing Monitoring services.

“One Plus Duress Alarm” means the manual activation of a silent alarm signal by entering at an Arming Station a code that adds one (1) to the last digit of the normal arm/disarm code (e.g., normal code = 1234, One Plus Duress Code = 1235).

“Panic Alarm” means an audible Alarm System signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring law enforcement response.

“Person” means an individual, corporation, partnership, association, organization or similar entity.

“Responder” means an individual capable of reaching the Alarm Site within twenty (20) minutes and having access to the Alarm Site, the code to the Alarm System and the authority to approve repairs to the Alarm System.

“SIA control panel standard CP-01” means the ANSI – American National Standard Institute approved Security Industry Association – SIA CP-01

Control Panel Standard, as may be updated from time to time, that details recommended design features for security system control panels and their associated arming and disarming devices to reduce the incidence of False Alarms. Control panels built and tested to this standard by Underwriters Laboratory (UL), or other nationally recognized testing organizations, will be marked to state: "Design evaluated in accordance with SIA CP-01 Control Panel Standard Features for False Alarm Reduction".

"Takeover" means the transaction or process by which an Alarm User takes over control of an existing Alarm System, which was previously controlled by another Alarm User.

"Unmonitored" means there is not a Monitoring Company receiving signals from an Alarm System."

"Video Verification" means an electronic picture, pictures or images of an area of the Alarm Site which permits the Alarm User or Monitoring Company to view the Alarm Site to verify an alarm condition exists."

"Verify" means an attempt by the Monitoring Company, or its representative, to contact the Alarm Site and/or Alarm User by telephone and/or other electronic means, whether or not actual contact with a Person is made, to determine whether an alarm signal is valid before requesting law enforcement dispatch, in an attempt to avoid an unnecessary Alarm Dispatch Request. For the purpose of this ordinance, telephone verification requires, as a minimum that a second call be made to a different number if the first attempt fails to reach an Alarm User who can properly identify themselves to determine whether an alarm signal is valid before requesting law enforcement dispatch.

"Zones" mean division or devices into which an Alarm System is divided to indicate the general location from which an Alarm System signal is transmitted."

**SECTION THREE:** Section 5.56.030 of the Olathe Municipal Code is hereby added to read as follows:

**"5.56.030 Alarm User and Alarm Company Registration**

(A)

(1) It is unlawful for an Alarm User to operate, or cause to be operated, an Alarm System at its Alarm Site without a valid Alarm Registration. A separate Alarm Registration is required for each Alarm Site.

(2) It is unlawful for an Alarm Company to install an Alarm System or to monitor an Alarm System without a valid Alarm Company Registration.

(B) There is no fee to process an Alarm Registration application or renewal.

(C) Upon receipt of a completed Alarm Registration application the Alarm Administrator must register the applicant unless the applicant has:

(1) Failed to pay a fine or fee assessed pursuant to this Chapter; or

(2) Had an alarm registration suspended or revoked, and the violation causing the suspension or revocation has not been corrected.

(D) The Alarm User Registration application must include the following information:

(1) The name, complete address (including apartment/suite number), and telephone numbers of the Person who will be the registration holder and be responsible for the proper maintenance and operation of the Alarm System and payment of fees assessed under this Chapter;

(2) The classification of the Alarm Site as either residential (includes apartment, condominium, mobile home, etc.) or commercial;

(3) For each Alarm System located at the Alarm Site, the classification of the Alarm System (i.e. burglary, Holdup, Duress, Panic Alarms or other) and for each classification whether such alarm is audible or silent;

(4) Mailing address, if different from the address of the Alarm Site;

(5) Any dangerous or special conditions present at the Alarm Site;

(6) Names and telephone numbers of at least two individuals who are able and have agreed to:

(a) Receive notification of an Alarm System activation at any time;

(b) Respond to the Alarm Site within twenty (20) minutes at any time; and

(c) Upon request, can grant access to the Alarm Site and deactivate the Alarm System, if necessary;

(7) Type of business conducted at a commercial Alarm Site;

(8) Signed certification from the Alarm User stating the following:

(a) The date of Installation, Conversion or Takeover of the Alarm System, whichever is applicable;

(b) The name, address, and telephone number of the Alarm Installation Company or companies performing the Alarm System Installation, Conversion or Takeover and of the Alarm Installation Company responsible for providing repair service to the Alarm System;

(c) The name, address, and telephone number of the Monitoring Company, if different from the Alarm Installation Company;

(d) That a set of written operating instructions for the Alarm System, including written guidelines on how to avoid False Alarms, have been left with the applicant by the Alarm Installation Company; and

(e) That the Alarm Installation Company has trained the applicant in proper use of the Alarm System, including instructions on how to avoid False Alarms.

(9) That law enforcement response may be influenced by factors including, but not limited to the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels, etc.

(E) The Alarm Company Registration application must include the following information:

(1) The name, complete address (including apartment/suite number), and telephone numbers for the Alarm Company;

(2) Names and telephone numbers of the registration holder who will be responsible for:

(a) Compliance with this Chapter; and

(b) Payment of fees assessed under this Chapter.

(3) Type of service provided, including, but not limited to monitored, installed, sold or serviced.

(F) Any false statement of a material fact made by an applicant for the purpose of obtaining an Alarm Registration may result in denial of registration.

(G) An Alarm Registration cannot be transferred to another Alarm Company, Person, or Alarm Site. An Alarm User or Alarm Company must inform the Alarm Administrator of any change of the information listed on the Alarm Registration application within five (5) business days of such change.

(H) All fines and fees owed by an applicant must be paid before an Alarm Registration may be issued or renewed.”

**SECTION FOUR:** Section 5.56.040 of the Olathe Municipal Code is hereby added to read as follows:

**“5.56.040 Alarm Registration Duration and Renewal.**

An Alarm Registration is valid for a period of twelve (12) months from the date of issuance. It must be renewed by submitting an updated application. The Alarm Administrator will notify each Alarm User and Alarm Company of the need to renew at least thirty (30) days prior to the registration expiration. The Alarm User and Alarm Company must submit a renewal application prior to the registration expiration date. Failure to renew will be classified as use of a non-registered Alarm System and citations and penalties will be assessed without waiver. This section applies to all new alarm registration applications and renewals in 2018 for existing alarm registrations after the effective date of this ordinance. Alarm registrations which exist on the effective date of this ordinance will have an expiration date that is twelve (12) months from the issuance month of the initial alarm registration.”

**SECTION FIVE:** Section 5.56.050 of the Olathe Municipal Code is hereby added to read as follows:

**“5.56.050 Alarm User Duties.**

(A) An Alarm User must:

(1) Maintain the Alarm Site and the Alarm System in a manner that minimizes or eliminates False Alarms;

(2) Make reasonable efforts to have a Responder to the Alarm System’s location within twenty (20) minutes of the law enforcement agency’s request to:

(a) Deactivate an Alarm System;

(b) Provide access to the Alarm Site; or

(c) Provide alternative security for the Alarm Site.

(3) Not activate an Alarm System for any reason other than an occurrence of an event that the Alarm System was intended to report.

(B) An Alarm User must adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal audible on the exterior of an Alarm Site will sound for no longer than ten (10) minutes after being activated.

(C) An Alarm User must have an Alarm Installation Company inspect the Alarm System after three (3) False Alarms in one (1) year. The Alarm Administrator may waive a required inspection if it determines that a False Alarm(s) could not have been related to a defect or malfunction in the Alarm System. After five (5) False Alarms within one (1) year, the Alarm User must have an Alarm Installation Company modify the Alarm System to be more False Alarm resistant or provide additional user training as appropriate.

(D) An Alarm User may not use Automatic Voice Dialers.

(E) An Alarm User must maintain at each Alarm Site, a set of written operating instructions for each Alarm System.

(F) It is unlawful to violate the duties of an Alarm User.”

**SECTION SIX:** Section 5.56.060 of the Olathe Municipal Code is hereby added to read as follows:

**“5.56.060 Alarm Company Duties.**

(A) The Alarm Installation Company must provide written and oral instructions to its Alarm Users regarding the proper use and operation of their Alarm Systems. The instructions must provide all instructions necessary to turn the Alarm System on and off and to avoid False Alarms.

(B) Alarm Installation Companies may not program Alarm Systems so that they are capable of sending One Plus Duress Alarms. Monitoring Companies may continue to report One Plus Duress Alarms received from Alarm Systems which were programmed with One Plus Duress Alarms prior to 2005. However, when a Takeover or Conversion occurs or if an Alarm User requests an Alarm System inspection or modification pursuant to this Chapter, an Alarm Installation Company must remove the One Plus Duress Alarm capability from such Alarm Systems.

(C) Alarm Installation Companies may not install a device to activate a Holdup Alarm, which is a single action, non-recessed button.

(D) Alarm Installation Companies must install alarm control panels which meet SIA Control Panel Standard CP-01.



(E) An Alarm Company must not use Automatic Voice Dialers.

(F) After installation of an Alarm System, an Alarm Installation Company employee must review the Customer False Alarm Prevention Checklist with the Alarm User.

(G) The Monitoring Company may not make an Alarm Dispatch Request of a law enforcement agency in response to a burglar alarm signal, excluding Panic, Duress and Holdup signals, during the first seven (7) days following an Alarm System installation. The Alarm Administrator may grant an Alarm User's request for an exemption from this waiting period based upon a determination that special circumstances substantiate the need for the exemption.

(H) A Monitoring Company must:

(1) Report alarm signals by using telephone numbers designated by the Alarm Administrator;

(2) Verify every alarm signal, except Duress or Holdup Alarm activation, before requesting a law enforcement response to an Alarm System signal;

(3) Communicate Alarm Dispatch Requests to the Johnson County Sherriff's Office;

(4) Communicate Cancellations to the Johnson County Sherriff's Office;

(5) Ensure that all Alarm Users of the Alarm Systems equipped with a Duress, Holdup or Panic Alarm are given adequate training as to the proper use of the Duress, Holdup or Panic Alarm;

(6) Communicate any available information (north, south, front, back, etc.) about the location on all alarm signals related to the Alarm Dispatch Request;

(7) Communicate type of alarm activation (silent or audible, interior or perimeter);

(8) Provide an Alarm User registration number when requesting law enforcement dispatch;

(9) After an Alarm Dispatch Request, promptly advise the law enforcement agency if the Monitoring Company knows that the Alarm User or Responder is on the way to the Alarm Site;

(10) Attempt to contact the Alarm User or Responder within twenty four (24) hours via fax, telephone or other electronic means when an Alarm Dispatch Request is made; and

(11) Monitoring Companies must maintain for a period of at least one (1) year from the date of the Alarm Dispatch Request, records relating to Alarm Dispatch Requests. Records must include the name, address and telephone number of the Alarm User, the Alarm System Zone(s) activated, the time of Alarm Dispatch Request and evidence of an attempt to Verify. The Alarm Administrator may request copies of such records for individually named Alarm Users. If the request is made within sixty (60) days of an Alarm Dispatch Request, the Monitoring Company must furnish the requested records within three (3) business days of receiving the request. If the records are requested between sixty (60) days to one (1) year after an Alarm Dispatch Request, the Monitoring Company must furnish the requested records within thirty (30) days of receiving the request.

(l) An Alarm Company that purchases Alarm System accounts must notify the Alarm Administrator within five (5) business days of such purchase and provide details if requested by the Alarm Administrator.”

**SECTION SEVEN:** Section 5.56.070 of the Olathe Municipal Code is hereby added to read as follows:

**“5.56.070 Duties and Authority of the Alarm Administrator.**

(A) The Alarm Administrator must:

(1) Designate a manner, form and telephone numbers for the communication of Alarm Dispatch Requests; and

(2) Establish a procedure to accept Cancellation of Alarm Dispatch Requests.

(B) The Alarm Administrator must establish a procedure to record such information on Alarm Dispatch Requests necessary to permit the Alarm Administrator to maintain records, including, but not limited to, the information listed below.

(1) Identification of the registration number for the Alarm Site;

(2) Identification of the Alarm Site;

(3) Date and time Alarm Dispatch Request was received, including the name of the Monitoring Company and the Monitoring operator name or number;

(4) Date and time of law enforcement officer arrival at the Alarm Site;

(5) Zone and Zone description, if available;

(6) Weather conditions;

(7) Name of Alarm User's representative at Alarm Site, if any;

(8) Identification of the responsible Alarm Installation Company or Monitoring Company;

(9) Whether law enforcement officer was unable to locate the address of the Alarm Site;

(10) Cause of alarm signal, if known.

(C) The Alarm Administrator must establish a procedure for the notification to the Alarm User of a False Alarm. The notice must include the following information:

(1) The date and time of law enforcement response to the False Alarm;

(2) The identification number of the responding law enforcement officer;

(3) A statement urging the Alarm User to ensure that the Alarm System is properly operated, inspected, and serviced to avoid False Alarms and resulting fines.

(D) The Alarm Administrator may require a conference with an Alarm User and the Alarm Installation Company and/or Monitoring Company responsible for the repair or monitoring of the Alarm System to review the circumstances of each False Alarm.

(E) The Alarm Administrator may create and implement an Alarm User Awareness Class. The Alarm Administrator may request the assistance of

Association, alarm companies and law enforcement agencies in developing and implementing the class. The class must inform Alarm Users of the problems created by False Alarms and teach Alarm Users how to avoid generating False Alarms.

(F) The Alarm Administrator may require an Alarm User to remove a Holdup Alarm that is a single action, non-recessed button, if a False Holdup Alarm has occurred.

(G) The Alarm Administrator will make a copy of this ordinance and/or an ordinance summary sheet available to the Alarm User.”

**SECTION EIGHT:** Section 5.56.080 of the Olathe Municipal Code is hereby added to read as follows:

**“5.56.080 False Alarms, Fines Required.**

(A) Any Alarm User which has more than one (1) False Alarm within a twelve (12) month period may be assessed False Alarm fees. The fees of this section will be adopted by resolution of the Governing Body.

(B) Any Person operating a non-registered Alarm System may be assessed False Alarm fees in addition to any other fines or fees. The Alarm Administrator may waive this additional fee for a non-registered system if the Alarm User submits an application for Alarm Registration within ten (10) days after notification of such violation.

(C) An Alarm User may attend an Alarm User Awareness Class in lieu of paying one (1) fee per twelve (12) month period.

(D) No fee will be assessed if Cancellation occurs prior to law enforcement arriving at the scene.

(E) The Alarm Installation Company will be assessed a fee if the officer responding to the False Alarm determines that an on-site employee of the Alarm Installation Company directly caused the False Alarm. This False Alarm will not be counted against the Alarm User.

(F) The Monitoring Company will be assessed a fee for each failure to Verify Alarm System signals.

(G) The Alarm Installation Company will be assessed a fee if the Alarm Administrator determines that an Alarm Installation Company employee knowingly made a false statement concerning the inspection of an Alarm Site or the performance of an Alarm System.

(H) The Alarm Administrator must include a notice of the Alarm User's or Alarm Company's appeal rights under this Chapter with the fee assessment notification.

(I) Failure to appeal a fee assessment or otherwise satisfy the fee assessment as provided in this section creates a presumption that the alarm signal at issue is a False Alarm and that a violation of this Chapter occurred.

(J) Failure to pay False Alarm fees is a violation of this Chapter. Nothing contained in this section precludes;

(1) Prosecution in Municipal Court for violations of this Chapter and assessment of any other penalties as provided by law; and

(2) The Alarm Administrator from using a collection agency to assist with the collection of outstanding fees or fines owed by an Alarm User or Alarm Company.”

**SECTION NINE:** Section 5.56.090 of the Olathe Municipal Code is hereby added to read as follows:

**“5.56.090 Notification.**

(A) The Alarm Administrator must notify the Alarm User in writing after each False Alarm.

(1) The notification must include the amount of the fee for the False Alarm;

(2) Notice that the Alarm User may attend Alarm User Awareness Class to waive a fee;

(3) That response will be suspended after the tenth (10th) False Alarm, excluding Duress, Holdup and Panic Alarms; and

(4) A description of the appeals procedure available to the Alarm User.

(B) The Alarm Administrator will notify the Alarm User and the Alarm Company in writing after alarm response has been suspended, except to Duress, Holdup and Panic Alarms. This notice of suspension will also include the amount of the fine for each False Alarm and a description of the appeals procedure available to the Alarm User and the Alarm Company.”

**SECTION TEN:** Section 5.56.100 of the Olathe Municipal Code is hereby added to read as follows:

**“5.56.100 Suspension of Response.**

(A) The Alarm Administrator may suspend law enforcement response to an Alarm Site by revoking the Alarm Registration if it is determined that:

(1) The Alarm User has ten (10) or more False Alarms in a twelve (12) month period;

(2) There is a false statement of a material fact in the application for a registration;

(3) The Alarm User has failed to make timely payment within thirty (30) days of a fee assessed; or

(4). The Alarm User has failed to submit a written certification from an Alarm Installation Company that complies with the requirements of this Chapter, stating that the Alarm System has been inspected and repaired (if necessary) and/or additional training has been conducted by the Alarm Installation Company.

(B) A Person commits an offense if they operate an Alarm System during the period in which the alarm registration is revoked and is subject to enforcement and penalties set forth in this Chapter. A Monitoring Company commits an offense if it continues Alarm Dispatch Requests to an Alarm Site after notification by the Alarm Administrator that the registration has been revoked and is subject to enforcement and penalties set forth in this Chapter

(C) Unless there is separate indication that there is a crime in progress, the Law Enforcement Authority will refuse law enforcement response to an Alarm Dispatch Request at an Alarm Site for which the Alarm Registration is revoked.”

**SECTION ELEVEN:** Section 5.56.110 of the Olathe Municipal Code is hereby added to read as follows:

**“5.56.110 Appeals.**

(A) If the Alarm Administrator assesses a fine or denies issuance, renewal or reinstatement of an Alarm Registration, the Alarm

Administrator must send written notice to the applicant, Alarm User or the Alarm Company.

(B) The applicant, Alarm User or Alarm Company must file an appeal with the Alarm Administrator within fifteen (15) business days after the Alarm Administrator provided notification of the assessment or the decision.

(C) The decision of the Alarm Administrator may be appealed to the Law Enforcement Authority as follows:

(1) The appeal must be filed within twenty (20) business days after the Alarm Administrator provided notification of the Alarm Administrator's decision.

(2) The Law Enforcement Authority must conduct a hearing within thirty (30) days of receipt of the appeal. The Law Enforcement Authority will make its decision based on evidence presented at the hearing. The Law Enforcement Authority must render a decision within fifteen (15) days of the hearing. The Law Enforcement Authority will affirm or reverse the Alarm Administrator's decision.

(D) Filing an appeal stays action by the Alarm Administrator until the Law Enforcement Authority has rendered a decision. If an appeal is not filed within twenty (20) business days of the Alarm Administrator's decision, the decision is final.

(E) Alarm Administrator or Law Enforcement Authority may adjust the count of False Alarms based on:

(1) Evidence that a False Alarm was caused by an act of God;

(2) Evidence that a False Alarm was caused by the telephone company;

(3) Evidence that a False Alarm was caused by a power outage lasting longer than twenty-four (24) hours;

(4) Evidence that the Alarm Dispatch Request was not a False Alarm; and/or

(F) The Alarm Administrator or Law Enforcement Authority may take into consideration whether the Alarm Company engaged in a consistent pattern of violations."

**SECTION TWELVE:** Section 5.56.120 of the Olathe Municipal Code is hereby added to read as follows:

**"5.56.120 Reinstatement.**

(A) A Person whose Alarm Registration has been revoked may, at the discretion of the Alarm Administrator or the Law Enforcement Authority, have the Alarm Registration reinstated by the Alarm Administrator or the Law Enforcement Authority if the Person:

(1) Submits a new application;

(2) Pays, or otherwise resolves, all outstanding citations and fines;  
and

(3) Submits a certification from an Alarm Installation Company stating that the Alarm System has been inspected and repaired (if necessary) by the Alarm Installation Company;

(B) In addition, the Alarm Administrator may require one or more of the following as a condition to reinstatement;

(1) Proof that an employee of the Alarm Installation Company or Monitoring Company caused the False Alarm;

(2) A certificate showing that the Alarm User has successfully completed the Alarm User Awareness Class;

(3) An upgrade of the alarm control panel to meet SIA Control Panel Standard CP-01; or

(4) A written statement from an Alarm Installation Company that the Alarm System has been inspected and is in good working order.

In the interest of public safety, all information contained in and gathered through the Alarm Registration applications and applications for appeals must be held in confidence by all employees or representatives of the municipality and by any third-party administrator or employees of a third-party administrator with access to such information.”

**SECTION THIRTEEN:** Section 5.56.130 of the Olathe Municipal Code is hereby added to read as follows:

**“5.56.130 Penalty.**

Any person or entity violating any provision of this Chapter, upon conviction, will be punished by a fine of not less than One Hundred Dollars



(\$100.00) or more than Five Hundred Dollars (\$500.00). Each day that any violation occurs or continues constitutes a separate offense.”

**SECTION FOURTEEN:** Section 5.56.140 of the Olathe Municipal Code is hereby added to read as follows:

**“5.56.140 Government Immunity.**

Alarm Registration is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response. Any liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By applying for an Alarm Registration, the Alarm User acknowledges that law enforcement response may be influenced by factors such as: the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history.”

**SECTION FIFTEEN:** Section 5.56.150 of the Olathe Municipal Code is hereby added to read as follows:

**“5.56.150 Severability.**

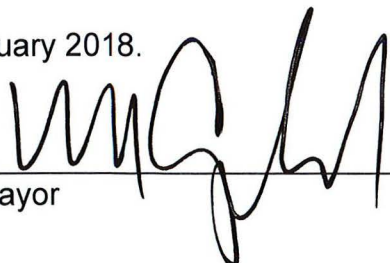
The provisions of this ordinance are severable. If a Court determines that a word, phrase, clause, sentence, paragraph, subsection, section, or other provision is invalid or that the application of any part of the provision to any Person or circumstance is invalid, the remaining provisions and the application of those provisions to other Persons or circumstances are not affected by that decision.”

**SECTION SIXTEEN:** Existing Sections 9.25.010, 9.25.020, 9.25.030, 9.25.040, 9.25.050, 9.25.060, 9.25.070, 9.25.080, 9.25.090, 9.25.100, 9.25.110, 9.25.120, 9.25.130 and 9.25.140 are hereby repealed.

**SECTION SEVENTEEN:** This Ordinance shall take effect and be in force from and after its passage and publication as provided by law.

**PASSED** by the Governing Body this 6th day of February 2018.

**SIGNED** by the Mayor this 6th day of February 2018.

  
\_\_\_\_\_  
Mayor

ATTEST:

Emily Vincent  
City Clerk

(SEAL)



APPROVED AS TO FORM:

[Signature]  
City Attorney

Publish one time and return one Proof of Publication to the City Clerk and one to the City Attorney.

**PUBLICATION SUMMARY OF ORDINANCE NO. 18-02, PASSED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS ON THE 6<sup>th</sup> DAY OF FEBRUARY 2018.**

**SUMMARY**

On February 6, 2018, the Governing Body of the City of Olathe, Kansas passed Ordinance No. 18-02, which repeals Chapter 9.25 and adds Chapter 5.56 to Title 5 of the Olathe Municipal Code, pertaining to Alarm Systems.

The ordinance: 1) updates and clarifies City procedures relating to Alarm Systems 2) explains the City's intent regarding regulating Alarm Systems; 3) changes alarm renewal dates and 4) allows City to use a collection agency to assist with the collection of outstanding fees. The complete text of this ordinance may be obtained or viewed free of charge at the office of the Olathe City Clerk, Olathe City Hall, 100 East Santa Fe Street, Olathe, Kansas, or on the City's official website address <http://www.olatheks.org/government/city-clerk/public-notices>, where a reproduction of the original ordinance will be available for a minimum of one week following this summary publication.

This summary is certified this 7<sup>th</sup> day of February 2018.

/s/ Rachelle R. Breckenridge

Rachelle R. Breckenridge  
Assistant City Attorney

Publish one time and return one Proof of Publication to the City Clerk and one to the City Attorney.