

ARTICLE III. ALARM SYSTEMS*

***Cross references:** Buildings and building regulations, ch. 22; businesses, ch. 26; fire prevention and protection, ch. 38.

State law references: Procedures for alarms, V.T.C.A., Local Government Code § 218.001 et seq.

Sec. 30-71. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alarm site means a premises or location served by a general alarm system or CATV alarm system.

Burglar alarm system means a device or system that transmits a signal intended to summon the city's police department in response to a burglary. The term includes an alarm that emits an audible signal on the exterior of a structure. The term does not include an alarm installed on a vehicle unless the vehicle is used for a habitation at a permanent site or an alarm designed to alert only the inhabitants within the premises.

Burglar/intrusion alarm notification means a notification intended to summon the police, which is initiated or triggered manually or by a stimulus characteristic of unauthorized intrusion.

CATV alarm system and *general alarm system* do not include:

- (1) An alarm installed on a vehicle unless such vehicle is permanently installed at a permanent site;
- (2) An alarm designed to alert only the inhabitants of a premises; or
- (3) A general alarm system or CATV alarm system owned by the city.

City alarm system means a device or system that transmits or relays a signal by community antenna television cable, directly or indirectly, intended to summon emergency police services of the city.

Director means the chief of police of the city or his authorized representative.

False burglar alarm means an alarm notification to the city police department when the police respond within 30 minutes of the alarm notification and the responding police officer finds from an inspection of the interior or exterior of the premises that the alarm was false.

False burglar/intrusion alarm notification means an alarm notification to the police when the responding police officer finds no evidence of unauthorized intrusion or attempted unauthorized intrusion.

False robbery alarm notification means a robbery alarm notification to the police when the responding police officer finds no evidence of a robbery or attempted robbery.

General alarm system means a device or system that transmits or relays a signal, directly or indirectly, other than by community antenna television cable, intended to summon emergency police services of the city.

Local alarm means a general alarm system or CATV alarm system that emits a signal at an

alarm site that is audible or visible from the exterior of a premises.

Police "alert" alarm notification means an alarm notification which does not differentiate between burglar/intrusion and robbery but is intended to summon the police whenever a real and immediate threat to life exists.

(Ord. No. 2519, § 3, 12-13-1999)

Cross references: Definitions generally, § 1-2.

Sec. 30-72. Permit required; application; transferability; false statements.

(a) A person commits an offense if he operates or causes to be operated a general alarm system or CATV alarm system without first obtaining an alarm permit from the director. An alarm permit may be obtained for the use of either a general alarm system or CATV alarm system by the installer of either such alarm system equipment.

(b) Upon receipt of the complete application form and the alarm permit fee, the director shall issue a permit, unless there is cause to believe the equipment responsible for initiating an alarm will not be maintained and operated in accordance with this article or the applicant will not comply with each provision of this section.

(c) Each permit application must contain the name, address and telephone number of the individual or alarm user representative who will be the permit holder and be responsible for the proper maintenance and operation of the general alarm system or CATV alarm system.

(d) An alarm permit cannot be transferred, however, the individual designated to respond to an alarm or relay an alarm may be changed. A permit holder shall inform the director of any change that alters information listed on the original permit application.

(e) Any false statement or misrepresentation of a material fact made by an applicant for the purpose of obtaining an alarm permit or renewal, or while making a change thereto, shall be sufficient cause for refusal to grant, or suspension of a permit.

(f) The alarm permit fee shall be as listed in appendix A.

(Ord. No. 2519, § 4, 12-13-1999)

Sec. 30-73. Burglary alarm permit; false burglar alarm fees.

(a) A person commits an offense if he operates or causes to be operated a burglar alarm system without first obtaining an alarm permit from the director.

(b) There is hereby established as a false burglar alarm fee a fee as listed in appendix A per false burglar alarm for each false burglar alarm in excess of five during the preceding 12-month period. The city finds that the fee as listed in appendix A does not exceed the actual expenses incurred by the city to make the response.

(Ord. No. 2519, § 5, 12-13-1999)

Sec. 30-74. Other types of alarms.

(a) A person shall not install or maintain a general alarm system or CATV alarm system except for the purpose of eliciting responses to burglaries, intrusions, robberies, real and immediate threats to life, fires, water flow or requests for emergency medical assistance, unless specifically authorized by the director.

(b) After December 13, 1999, no permit for a local alarm system shall be issued except for a local alarm system that either emits a flashing white light, such white light not to exceed or violate the standards contained in section 8-608 of the zoning ordinance, that is tied directly into a light at the front of the house or emits an audible signal that can be heard within a radius of 200 feet from the exterior of the house, and cannot be heard outside of the 200-foot radius, or for local alarm systems installed prior to March 3, 1980. The outside exterior's audible signal shall cease after five consecutive minutes and be automatically reset after such five minutes.

(c) If innovations in alarm systems or other types of alarm devices adversely affect emergency police services of the city, the director may promulgate rules and regulations in order to protect the city's emergency police services.

(Ord. No. 2519, § 6, 12-13-1999)

Sec. 30-75. Permit duration; renewal.

A permit is issued for one year and is automatically renewed each year upon the payment of the alarm permit fee, provided no violations of this article warrant suspension or nonrenewal of the permit. The director has the prerogative of determining the first expiration date; however, this initial period shall be no less than one, nor more than two years from the date of issuance of the permit.

(Ord. No. 2519, § 7, 12-13-1999)

Sec. 30-76. Service charge.

(a) If within the first 12-month period of the date of issuance of a permit, or within any successive 12-month period, five false burglar, police alert or robbery alert notifications are emitted from an alarm site, the director shall assess the permit holder in control of that alarm site a fee as listed in appendix A for each subsequent false burglar/intrusion alarm, police alert or robbery alarm notification emitted from the alarm site within the 12-month period.

(b) A permit holder shall pay a fee as listed in appendix A within 30 days after mailing of notice that fee has been assessed. The director may suspend or refuse to renew a permit for failure to pay the fee assessed.

(c) The permit holder will be exempt from any fee charged for a false alarm notification which is later shown to have been justified or which was due to a natural or manmade catastrophe or other situation specifically exempted by the director.

(Ord. No. 2519, § 8, 12-13-1999)

Sec. 30-77. Reporting of alarm signals.

A permit holder shall not report their alarm signal through a relaying intermediary that does not meet the requirements of this article, and any rules and regulations promulgated by the director, or is not licensed by the state or the appropriate agency, board or department thereof.

(Ord. No. 2519, § 9, 12-13-1999)

Sec. 30-78. Proper alarm system operation and maintenance.

(a) A permit holder shall:

- (1) Cause an adjustment to be made to the sensory mechanism of their general alarm system or CATV alarm system in order to suppress false indications; and
 - (2) Maintain premises containing a general alarm system or CATV alarm system in a manner that does not inhibit proper operation of the alarm system.
- (b) No alarm permit holder shall activate the general alarm system or CATV alarm system to send an alarm notification to the police for test purposes, unless the alarm permit holder first notifies the director or his representative, and the alarm company monitoring control center, prior to the testing of the system that the signal is for testing purposes only.

(Ord. No. 2519, § 10, 12-13-1999)

Sec. 30-79. Reset required.

A user of a general alarm or CATV alarm system that causes an alarm notification to be sent directly to the city shall adjust or cause the adjustment of the mechanism so that, upon activation, the system will transmit only one alarm signal and will not transmit another alarm signal without first being reset in such a manner that it will not automatically resound, unless there is an outside stimulus characteristic of an unauthorized intrusion.

(Ord. No. 2519, § 11, 12-13-1999)

Sec. 30-80. Suspension of permit; offense to operate.

- (a) The director may suspend or refuse to renew a general alarm system or CATV alarm system permit for any violation of this article.
- (b) The director may suspend or refuse to renew an alarm permit if a general alarm system or CATV alarm system generates six false robbery or police alert or burglar/intrusion alarm notifications in any 12-month period described in section 30-76.
- (c) A suspension may be lifted or permit reinstated upon a sufficient showing that the conditions which caused the action have been corrected and if the director determines that the general alarm system or CATV alarm system is likely to be maintained and operated in a responsible manner in accordance with the provisions of this article. No fee, above and beyond the alarm permit fee, is required to reinstate a suspended or nonrenewal permit.

(Ord. No. 2519, § 12, 12-13-1999)

Sec. 30-81. Appeal from denial or suspension of a permit.

- (a) If the director refuses to issue or reinstate a permit, or suspends a permit, they shall send to the applicant or permit holder, by certified mail, written notice of their action and a statement of the right to an appeal. The applicant or permit holder may appeal the decision of the director to the city manager by filing with the city manager a written request for a hearing, setting forth the reasons for the appeal, within ten days after receipt of the notice from the director. The filing of a request for an appeal hearing with the city manager stays any action of the director in suspending or denying a permit until the city manager or his designated representative makes a final decision. If a request for an appeal hearing is not made within a ten-day period, the action of the director is final.
- (b) The city manager or his representative shall serve as hearing officer at an appeal hearing and consider evidence by an interested person. The formal rules of evidence do not apply at an appeal hearing and the hearing officer shall make his decision on the basis of a preponderance

of the evidence presented at the hearing. The hearing officer must render a decision within 30 days after the request for an appeal hearing is filed. The hearing officer shall affirm, reverse or modify the action of the director, and his decision is final, unless the applicant or permit holder files a written request with the city council for an appeal hearing within ten days of either the hearing officer's decision or deemed decision. A written request to the city council stays the action of the hearing officer in suspending or denying a permit until the city council renders a final decision.

(c) If a request for an appeal hearing with the city council is filed within the ten-day period, the city council shall hear and consider evidence offered by any interested person. The formal rules of evidence do not apply to an appeal hearing before the city council, and city council shall decide the appeal on the basis of a preponderance of the evidence presented at the hearing. The city council shall affirm, reverse or modify the action of the hearing officer by a majority vote; failure to reach a majority decision on a motion shall leave the hearing officer's decision unchanged. The result of an appeal hearing before the city council is final.

(Ord. No. 2519, § 13, 12-13-1999)

Sec. 30-82. Indirect alarm reporting.

A person who is engaged in the business of relaying alarm notifications to the city shall:

- (1) Send notifications of an alarm to the city by human operator, unless such notification is by a direct computer terminal;
- (2) Keep their business premises in compliance with state law;
- (3) Allow an inspection of their business premises by the director or his representative;
- (4) Report alarms only over a special telephone number, or numbers designated by the director; and
- (5) Send alarm notifications to the city in a manner and form determined by the director.

(Ord. No. 2519, § 14, 12-13-1999)

Sec. 30-83. Recorded message alarm notification prohibited.

No permit will be issued for the use of systems using automatic telephone dialing to report an alarm condition by means of a recorded message.

(Ord. No. 2519, § 15, 12-13-1999)

Sec. 30-84. Working specifications.

(a) CATV alarm system alarm activation and deactivation panels may be of a key or keyless configuration. They must be installed on the interior of the structure. The system shall provide for variable entrance and exit grace times which shall be incorporated into the unit.

(b) No CATV alarm system or general alarm system shall be so designed as to generate an alarm due to the premises or a particular area of the premises not being secured at the time of attempted arming. The CATV alarm system shall utilize an internal audible alert signal to notify the user that they have a programmed grace period in which to deactivate the CATV alarm system upon the user's entrance. In case of power failure, all alarm circuits shall automatically convert to standby battery supply, capable of supplying at least 12 hours of emergency power.

(c) Duty of installer is as follows:

- (1) Installers of general alarm systems and CATV alarm systems shall make the user aware that a permit must be obtained from the police department, at no charge to the user.
 - (2) The installer shall also instruct the user regarding the operation of the system, including but not limited to the criteria for use of the police alert button device, stressing it is for the summoning of police only in the event of a real and immediate threat to life.
 - (3) The installer shall not install an alarm system contrary to the provisions of this article. Alarm systems that are installed contrary to the provisions of this article are in violation of this article and the installer is subject to the punishment phase of this article for each day the alarm system is installed, and each day or portion of a day thereafter are separate offenses until the alarm system adheres to the provisions of this article.
- (d) System requirements of alarms are as follows:
- (1) Any keyless configuration activating or deactivating device which contains only a single button to activate a police alert alarm, shall provide for a design of such equipment so that accidental activation will not occur and that activation is a deliberate act.
 - (2) CATV alarm systems and general alarm systems shall include a delay diode which will be engineered so that an alarm will not be sent due to momentary breaks in electrical current caused by lightning.
 - (3) All electrical equipment used for the installation of CATV alarm systems and general alarm systems shall be Underwriters Laboratories, Inc. approved.

(Ord. No. 2519, § 16, 12-13-1999)

Sec. 30-85. Protection of financial institutions.

- (a) A financial institution required to have an alarm system pursuant to the provisions of the Bank Protection Act of 1968 (12 USC 1882) may install, with the permission of the director, a signal line directly to the police department for the purpose of reporting burglaries and robberies. If such an arrangement is made, all other requirements of this article must be met. The installation must be accomplished at the institution's expense.
- (b) The director shall have the right, at reasonable times and upon oral notice, to inspect the alarm system at the alarm site, and require necessary repairs or improvements. If the director finds that the alarm system continually fails to operate or be operated to their satisfaction, they may terminate the privilege to have equipment and indicators in the communications center of the police department and require prompt removal of the equipment and indicators at the expense of the financial institution.
- (c) The financial institution, at its expense, shall make arrangements to provide service for the alarm system at the instance of the financial institution or director, on a 24-hour, seven days a week basis. In no event shall the city become liable for service charges for repairs and maintenance of any such signaling device.
- (d) The financial institution may remove or have removed an alarm system by giving the city written notice through the director, whereupon such institution, at its expense, shall have its equipment and indicators promptly removed from the police building.
- (e) The director has the right to require any change, modernization or consolidation of alarm signaling equipment that he deems advisable. In no event shall the city become liable for charges for such changes.

(Ord. No. 2519, § 17, 12-13-1999)

Sec. 30-86. Violations, corporations, partnerships and associations.

(a) A person, corporation, partnership or other association commits an offense under this section by commission or omission of any provision of this article that imposes upon such person or entity a duty or responsibility.

(b) In addition to prohibiting or requiring certain conduct on individuals, it is the intent of this article to hold a corporation, partnership or other association criminally responsible for acts or omissions performed by an agent acting in behalf of the corporation, partnership or other association and within the scope of his employment.

(Ord. No. 2519, § 18, 12-13-1999)

Sec. 30-87. Penalty.

It shall be unlawful for any person, corporation, partnership or other association to violate any of the provisions of this article, and any such person, corporation, partnership or other association which violates a provision of this article is guilty of a separate offense for each day or portion of a day during which the violation is committed, continued or permitted, and each offense is punishable by a fine not to exceed \$200.00.

(Ord. No. 2519, § 19, 12-13-1999)

Secs. 30-88--30-120. Reserved.