

ORDINANCE O-11-1796

AN ORDINANCE AMENDING CHAPTER 38 OF THE CODE OF ORDINANCES, EMERGENCY SERVICES, REGARDING ALARM SYSTEM PERMITS AND FEES, PROVIDING DEFINITIONS, REQUIRING A PERMIT OF CERTAIN ALARM USERS; PROVIDING A PERMIT FEE; PROVIDING SERVICE CHARGES FOR FALSE ALARMS; PROVIDING FOR SUSPENSION OF A PERMIT; REGULATING ALARM REPORTING AND OPERATION; PROVIDING FOR A PENALTY NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200.00); PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Colleyville is authorized by the Texas Local Government Code to regulate, by ordinance, the use and operation of alarm systems; and

WHEREAS, the City of Colleyville is authorized by the Texas Local Government Code to regulate, by ordinance, the use and operation of alarm systems; and

WHEREAS, Subchapter F of Chapter 214 of the Local Government Code authorizes the City to adopt alarm permit fees and false alarm penalties; and

WHEREAS, this Ordinance is being passed in full accordance with all requirements of State law, including but not limited to Chapter 214 of the Local Government Code; and

WHEREAS, the City of Colleyville City Council determines that the passage of this Ordinance is in the best interests of the health, safety and welfare of the public; and

WHEREAS, the number of false alarms responded to by the police department personnel is substantial; and

WHEREAS, the City desires to reduce the number of false alarm notifications by encouraging the proper operation and maintenance of the alarm systems.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEYVILLE, TEXAS:

Sec. 1. THAT all matters stated hereinabove are found to be true and correct and are incorporated herein by reference as if copied in their entirety.

Sec. 2. THAT Chapter 38 of the Code of Ordinances, Emergency Services, is hereby amended in its entirety and replaced as follows:

Registration and Regulation of Residential and Commercial alarm systems

1. Definitions.

For the purpose of this section, the following terms have the definitions herein ascribed to them:

- a. ALARM ADMINISTRATOR means the Chief of Police or his designated representative who shall administer, control and review false alarm reduction efforts and administers the provisions of this Ordinance.
- b. ALARM SITE means residential or commercial premises or a location served by a General Alarm System or CATV Alarm System.
- c. BURGLAR ALARM SYSTEM means a device or system that transmits a signal intended to summon the Colleyville 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.
- d. BURGLAR/INTRUSION ALARM NOTIFICATION is a notification intended to summon the police, which is initiated or triggered manually or by a stimulus characteristic of unauthorized intrusion.
- e. CHIEF means the Chief of Police of the City of Colleyville, Texas
- f. CITY means the City of Colleyville, Texas
- g. 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. GENERAL ALARM SYSTEM and CATV 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.
- h. FALSE BURGLAR ALARM means an alarm notification to the Colleyville Police Department when the police respond within thirty (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.

- i. 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.
- j. 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.
- k. 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.
- l. 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 premise
- m. 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.

2. Permit Required, Application, Transferability, False Statements

- a. A person commits an offense if they operate or cause to be operated a General Alarm System or CATV Alarm System without first obtaining an alarm permit from the Alarm Administrator. An alarm permit may be obtained for the use of either a General Alarm System or CATV Alarm System by the user or owner of either such alarm system equipment.
- b. Upon receipt of the completed permit application form and the alarm permit fee, the Alarm Administrator 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 Ordinance or the applicant will not comply with each provision of this Ordinance.
- 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 Alarm Administrator 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 twenty five dollars (\$25.00).

3. False Burglar Alarm Fees

- a. An alarm user shall be subject to fines, depending on the number of false alarms within the previous twelve (12) month period. The fines levied will be the higher of the schedule below or the maximum allowed under State law:

Number of false alarms	Fines
1-3	\$ 0
4-5	\$ 50
6-7	\$ 75
8 or more	\$100

- b. If cancellation occurs prior to a police officer arriving at the scene, this is not a False Alarm for the purposes of fines and no fines will be assessed.
- c. If it takes longer than thirty (30) minutes for a police officer to respond to the Alarm Notification, this is not a False Alarm for the purposes of fines and no fines will be assessed.
- d. Notice of the Right of Appeal under this ordinance will be included with any fines.
- e. A permit holder shall pay a fee assessed under this Section within thirty (30) days of the postmark of notice or date of email indicating a fee has been assessed. The Alarm Administrator may suspend or refuse to renew a permit for failure to pay the fee assessed.
- f. 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 Alarm Administrator

4. 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 threat to life, fires, water flow or requests for emergency medical assistance, unless specifically authorized by the City.
- b. From the effective date of this Ordinance, no permit for a Local Alarm System shall be issued except for a Local Alarm System that either emits a flashing white light, said white light not to exceed or violate the standards contained in the zoning ordinance, that is tied directly into a light at the front of the house or omits an audible signal that can be heard within a radius of two hundred (200) feet from the exterior of the house and cannot be heard outside of said two hundred (200) foot radius. The outside exterior's audible signal shall cease after five (5) consecutive minutes and be automatically reset after said five (5) minutes.
- c. If innovations in alarm systems or other types of alarm devices adversely affect emergency police services of the City, the City may promulgate rules and regulations in order to protect the City's emergency police services.

5. Permit Duration, Renewal

- a. A permit is issued for twelve (12) months and is automatically renewed each year upon the payment of the alarm permit fee and verification of information on file, provided no violation of this Ordinance warrant suspension or non-renewal of the permit. If the permit is not renewed and the alarm is still active, a late fee of ten dollars (\$10.00) will be assessed.

6. Reporting of Alarm Signals

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

7. 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 CAN 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 Alarm Administrator or its representative, and the alarm company monitoring control center, prior to the testing of the system, that the signal is for testing purposes only.
8. Reset Required
- a. A user of a General Alarm system 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.
9. Revocation / Reinstatement of Permit
- a. The Alarm Administrator may suspend or refuse to renew a General Alarm System or CATV Alarm System permit for any violation of this Ordinance.
- b. The Alarm Administrator may suspend or refuse to renew an alarm permit if a General Alarm System or CATV Alarm System generates ten (10) False Robbery or Police Alert or Burglar/Intrusion Alarm Notifications in any twelve (12) month period described in Section 3.
- c. A revocation may be lifted or permit reinstated upon a sufficient showing that the conditions, which caused the action, have been corrected and if the Alarm Administrator 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 Ordinance.
- d. The Alarm Administrator shall also have the authority to revoke an alarm permit if:
- 1) A permit holder does not pay a fee assessed under this Ordinance within (30) days of the postmark of notice or date of

- email indicating a fee has been assessed.
- 2) There is a statement of material fact known to be false in the Alarm Permit Application.
 - 3) The alarm user has failed to submit a written certification from an Alarm Installation Company that complies with the requirements of this article, stating that the alarm system has been inspected and repaired (if necessary) and/or additional training has been conducted by the alarm installation company and/or
 - 4) The alarm user has ten (10) or more false alarms within the previous twelve (12) month period.
- e. If the Alarm Permit is reinstated pursuant to section 9, the Alarm Administrator may again revoke the Alarm Permit, if it is determined that three (3) false alarms have occurred within the previous twelve (12) month period after the reinstatement date. All false alarm fines after reinstatement are \$100.00 each.

10. Appeal From Denial or Suspension of a Permit

- a. If the Alarm Administrator 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 City by filing a written request for a hearing, setting forth the reasons for the appeal, within ten (10) days after receipt of the notice from the City. The filing of a request for an appeal hearing with the city manager stays any action of the Alarm Administrator in suspending or denying a permit, until the City or their designated representative make a final decision. If a request for an appeal hearing is not made within a ten (10) day period, the action of the Alarm Administrator is final.
- b. The City Manager or their 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 a decision on the basis of a preponderance of the evidence presented at the hearing. The hearing officer must render a decision within thirty (30) days after the request for an appeal hearing is filed. The hearing officer shall affirm, reverse or modify the action of the Alarm Administrator and the decision is final.

11. Indirect Alarm Reporting A person who is engaged in the business of relaying alarm notifications to the Alarm Administrator shall:

- a. Send notifications of an alarm to the Alarm Administrator by human operator; unless such notification is by a direct computer terminal;

- 1) keep their business premises in compliance with State law; and
- 2) allow an inspection of their business premises by the Alarm Administrator or their representative; and
- 3) report alarms only over a special telephone number, or numbers designated by the Alarm Administrator; and
- 4) send alarm notifications to the Alarm Administrator in a manner and form determined by the Alarm Administrator.

12. Recorded Message Alarm Notification Prohibited

- a. 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.

13. 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 stand-by battery supply, capable of supplying at least 12 hours of emergency power.
- c. General Alarm Systems and CATV Alarm Systems are responsible for making the user aware that a permit must be obtained from the police department.
- d. 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.
- e. The installer shall not install an alarm system contrary to the provisions of this Ordinance. Alarm systems that are installed contrary to the provisions of this Ordinance are in violation of this Ordinance and the installer is subject to the punishment phase of this Ordinance 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 Ordinance.

- f. 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.
- g. Delay Diode Required 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.
- h. All electrical equipment used for the installation of CATV Alarm Systems and General Alarm Systems shall be Underwriters, Laboratories, Inc. approved.

14. Violations, Corporations, Partnerships and Associations

- a. A person, corporation, partnership or other association commits an offense hereunder by commission or omission of any provision of this Ordinance that imposes upon such person or entity a duty or responsibility.
- b. In addition to prohibiting or requiring certain conduct of individuals, it is the intent of this Ordinance to hold a corporation, partnership or other association criminally responsible for acts or omissions' performed by an agent acting on behalf of the corporation, partnership or other association and within the scope of his employment.

Sec. 3. THAT it shall be unlawful for any person, corporation, partnership or other association to violate any of the provisions of this Ordinance, and any such person, corporation, partnership or other association which violates a provision of this Ordinance 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.

Sec. 4. THAT the ordinance or ordinances under which the cases currently filed and pending in the Municipal Court of the City of Colleyville, Texas, pursuant to Section 38-1 of the Code of Ordinances shall be deemed repealed only when all such cases filed and pending under such ordinance or ordinances have been disposed of by final conviction or a finding of not guilty, nolo contendere or dismissal, and, provided further that for the purposes of determining the number of false Burglar, Police Alert or Robbery Alarm notifications.

Sec. 5. THAT if any section, paragraph, subdivision, clause or phrase of this Ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part of any

provision thereof other than the part so decided to be invalid or unconstitutional.

Sec. 6. THAT the effective date of this ordinance shall be immediate upon its passage.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 14th day of May 2011.

The second reading and public hearing being conducted on the 4th day of June 2011.

ATTEST:

Cynthia Singleton, TRMC, CMC
City Secretary

CITY OF COLLEYVILLE

David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:

Matthew C.G. Boyle
City Attorney