

ORDINANCE NO. 3493

AN ORDINANCE OF THE CITY OF CARROLLTON, TEXAS, REPEALING ORDINANCE NO. 3065; ADOPTING A NEW CHAPTER 110 – ALARM SYSTEMS WHICH PROVIDES DEFINITIONS, PERMIT REQUIREMENTS, EMERGENCY REPORTING EQUIPMENT AND PROCEDURES INCLUDING PROCEDURES FOR APPEAL; PROVIDING A PENALTY OF \$1,000 PER DAY, SAVINGS, SEVERABILITY AND AN EFFECTIVE DATE.

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

SECTION 1

City of Carrollton Ordinance No. 3065 is repealed in its entirety.

SECTION 2

That Chapter 110, Alarm Systems, of Title XI, Business Regulations, of the Carrollton Code of Ordinances reads as follows:

CHAPTER 110. ALARM SYSTEMS

GENERAL PROVISIONS

Sec. 110.01. – Definitions.

Secs. 110.02 – 110.14. – Reserved.

Sec. 110.01. - Definitions.

For the purpose of this chapter the following definitions shall apply:

Alarm Installation Company. Person in the business of selling, providing, maintaining, servicing, repairing, altering, replacing, moving or installing an alarm system in an alarm site. This definition shall also include individuals or firms that install and service the alarm systems that will be used in their private or proprietary facilities. This does not include persons doing installations or repair work where such work is performed without compensation of any kind (i.e., “do-it-yourselfers”).

Alarm notification. A signal transmitted by an alarm system intended to summon fire or police personnel of the city, which is designed either to be initiated purposely by a person or an alarm system that responds to a stimulus characteristic of fire/EMS or unauthorized intrusion.

Alarm permit. Authorization granted by the City to an Alarm User to operate an alarm system.

Alarm site. A single premise or location (one street or apartment address) served by an alarm system or systems that are under the control of one owner or tenant.

Alarm system. A device or system that transmits a signal intended to summon police or fire of a municipality in response to a burglary, fire, or Emergency Medical Service (EMS). The term includes an alarm that emits an audible signal on the exterior of a structure or an inaudible transmission. 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.

Alarm User. Any Person, who (which) has contracted for monitoring, repair, installation or maintenance service from an alarm installation company or monitoring company for an alarm system, or who (which) owns or operates an alarm system which is not monitored, maintained or repaired under contract.

Burglar alarm. An alarm notification initiated by an alarm system excluding fire alarms.

Chief. The City of Carrollton Police Chief or his designee.

City. The City of Carrollton or any delegated personnel or authorized representatives of the municipality.

Designated City Official or DCO. The City Manager. The term may include the City Manager's designee or delegated staff or duly authorized representative of the City Manager.

Emergency Medical Service (EMS) Alarm. An alarm intended to signal a situation requiring Emergency Medical Service (EMS) response.

Enhanced verification. The attempt by monitoring facility personnel to verify that no emergency appears to exist, at the monitored premises, by means of two or more verification calls, live audio or video, cross zoning, or a combination of these procedures.

False alarm. An alarm notification to the Fire or Police Departments, when the responding personnel find no evidence of fire/EMS or unauthorized intrusion, attempted unauthorized intrusion, robbery, attempted robbery or an attempt to take a person hostage; and, the responding personnel arrived within 30 minutes of the notification.

Fire alarm. An alarm intended to signal a situation requiring Fire Department response.

Local alarm. An alarm system which emits a signal at an alarm site that is audible or visible from the exterior of a structure.

Monitoring. Process by which a Monitoring Company receives signals from an alarm system and relays a request to the municipality for the purpose of summoning law enforcement to the alarm site.

Monitoring Company. Person in the business of providing monitoring services.

Non-Burglar alarm. A panic alarm, fire alarm, or Emergency Medical Service (EMS) alarm.

Panic alarm. An audible or silent alarm signal generated by the manual activation of an alarm system or device intended to signal a situation requiring law enforcement response.

Permit. A certificate, license, permit, or other form of permission that authorizes a person to engage in an action.

Person. An individual, corporation, partnership, association, organization or similar entity.

Responder. The individual capable of reaching the alarm site within 30 minutes and having access to the alarm site, the code to the alarm system and the authority to approve repairs to the alarm system.

Secs. 110.02 – 110.14. – Reserved.

PERMIT REQUIREMENTS

Sec. 110.15. – Permit required; application; transference; fees.

Sec. 110.16. – Permit duration and renewal.

Sec. 110.17. – Revocation of an alarm permit and suspension of response.

Sec. 110.18. – Appeal from denial or revocation of a permit.

Sec. 110.19. – Alarm systems in apartment complexes.

Secs. 110.20 – 110.29. – Reserved.

Sec. 110.15. – Permit required; application; transference; fees.

(A) A Person commits an offense if he operates or causes to be operated an alarm system without an alarm permit issued by the City. A separate permit is required for each alarm site.

(B) The Police Department will not respond to an alarm at an address where an alarm system is operating without a valid permit or the permit has been revoked, except for fire, medical, or alarms purposely initiated by a Person.

(C) Each permit application shall be filed using the forms prescribed by the City and submitted to the City.

(D) Upon receipt of a true and completed application and payment of the applicable fee, a

permit shall be issued to an applicant. If the applicant has failed to pay a service fee assessed under Section 110.39, or has had an alarm permit for the alarm site revoked, and the violation causing the revocation has not been corrected, no permit will be issued. Any false statement of a material matter made by an applicant for the purpose of obtaining an alarm permit shall be sufficient cause for refusal to issue a permit.

(E) An alarm permit cannot be transferred to another person or alarm site.

(F) A permit holder shall inform the City of any change that alters any information listed on the permit application within two business days. No fee will be assessed for those changes.

(G) Permit fees are subject to change by applicable ordinance of the City Council and as set forth in Chapter 31 of this Code.

(H) All fees owed by an applicant must be paid before a permit may be issued or renewed.

Sec. 110.16. - Permit duration and renewal.

(A) A permit is valid for one year from the date of issuance. An alarm permit may be terminated by the City for non-renewal after at least thirty (30) calendar days' notice of termination to the permit holder.

(B) Renewal: It is the responsibility of the permit holder to submit an application and pay the required renewal fee to the City prior to the expiration date of the permit. Renewal of the permit by the City does not prohibit the bringing of a proceeding for an act committed in violation of this chapter. Not later than the 30th day before the date a permit is scheduled to expire; the City shall send written notice of the impending expiration to the permit holder at the holder's last known address according to the City's records. Failure to renew will be classified as a use of a non-registered alarm system and may result in non-response and the assessment of citations and penalties.

Sec. 110.17. - Revocation of alarm permit and suspension of response.

(A) The City may suspend law enforcement response to an alarm site by revoking an alarm permit if it is determined that:

- (1) There is a false statement of a material matter in the application for a permit;
- (2) The permit holder has violated any of the Sections 110.30 through 110.35 or Section 110.37;
- (3) Eight or more false alarms from one alarm site are recorded within the preceding 12-month period; **or**
- (4) The permit holder has failed to make timely payment of a service fee assessed under Section 110.39.

(B) A Person commits an offense if he operates an alarm system during the period in

which the alarm permit is revoked.

Sec. 110.18. - Appeal from denial or revocation of a permit.

(A) If the City denies the issuance or renewal of, or revokes an alarm permit, the City shall send written notice of the action and a statement of the right to appeal to the affected applicant or Alarm User.

(B) The applicant or Alarm User may appeal the denial of issuance or renewal, or revocation of an alarm permit to the City by paying an appeal fee as set for in Chapter 31 of this code and setting forth in writing the reasons for the appeal within ten (10) business days after the mailing of the notice of denial of issuance or renewal or revocation. Appeal fees will be returned to the appealing applicant or Alarm User if the appeal is upheld.

(C) The DCO shall conduct a formal hearing within thirty (30) days of the receipt of the request and consider the evidence by any interested Person(s). The DCO shall serve as Hearing Officer at an appeal. The Hearing Officer will make a decision based on the preponderance of evidence presented at the hearing. The Hearing Officer must render a decision within fifteen (15) calendar days after the date of the hearing. The decision of the Hearing Officer is final.

(D) Filing of a request for appeal shall stay the action by the City denying the issuance or renewal, or revoking an alarm permit until the Hearing Officer has completed his review.

(E) If a request for appeal is not made within the ten (10) business day period, the action of the City is final.

Sec. 110.19. - Alarm systems in apartment complexes.

(A) The owner or property manager of an apartment complex shall obtain a master alarm permit if any alarm system is operated in any residential unit on the premises, whether the alarm system is furnished by the apartment complex owner as an amenity or contracted for by an individual tenant.

(B) A tenant of an apartment complex shall obtain an alarm permit from the City before operating or causing the operation of an alarm system in the tenant's residential unit.

(C) For purposes of assessing service fees and enforcing this section against an individual residential unit, the alarm permit of the tenant supersedes the master alarm permit of the apartment complex, and the tenant is responsible for payment of service fees for false alarm notifications emitted from the alarm system in the tenant's residential unit. The master alarm permit holder is responsible for payment of service fees for false alarm notifications emitted from unoccupied residential units.

(D) The owner or property manager of an apartment complex shall obtain a separate alarm permit for any alarm system operated in a nonresidential area of the apartment complex including, but not limited to common tenant areas and office, storage and equipment areas.

Secs. 110.20 – 110.29. – Reserved.

EMERGENCY REPORTING EQUIPMENT AND PROCEDURES

Sec. 110.30. – Proper alarm system operation and maintenance.

Sec. 110.31. – Manual reset required.

Sec. 110.32. – Reporting of alarm signals.

Sec. 110.33. – Reserved.

Sec. 110.34. – Direct alarm reporting; automatic alarm notification.

Sec. 110.35. – Alarm system operating instructions.

Sec. 110.36. – Alarm dispatch records.

Sec. 110.37. – System performance reviews.

Sec. 110.38. – Reserved.

Sec. 110.39. – False alarm fees.

Sec. 110.40. – Alarm company responsibilities.

Secs. 110.41 – Confidentiality.

Secs. 110.42 – 110.95. – Reserved.

Sec. 110.96. – Culpable mental state not required.

Sec. 110.97. – Violations.

Sec. 110.98. – Liability for facts or omissions.

Sec. 110.99. – Penalty.

Sec. 110.30. - Proper alarm system operation and maintenance.

(A) A permit holder or Person in control of an alarm system shall:

- (1) Maintain premises containing an alarm system in a manner which insures proper operation of the alarm system;
- (2) Maintain the alarm system in a manner that will minimize false alarm notifications;
- (3) Respond or cause a Responder to arrive within a thirty (30) minutes when notified by the City to repair or inactivate a malfunctioning alarm system, to provide access to the premises, or to provide security for the premises;

(4) Notify the Police Department prior to any repair or testing of an alarm system where a false signal might be transmitted; and

(5) Not manually activate an alarm for any reason other than an occurrence of an event that the alarm system is intended to report, except as stated in Subsection (A)(4) above.

(B) A Person in control of a local alarm shall adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal will sound for no longer than 30 minutes after being activated.

Sec. 110.31. - Manual reset required.

A Person in control of a local alarm or an alarm system that causes an alarm notification to be sent to the City shall adjust the mechanism or cause the mechanism to be adjusted so that upon activation the system will not transmit another alarm signal without first being manually reset.

Sec. 110.32. - Reporting of alarm signals.

(A) A permit holder or Person in control of an alarm system shall not allow alarm signals to be reported through a relaying intermediary that does not comply with the requirements of this chapter and any rules and regulations promulgated by the City or that is not licensed by the Texas Department of Public Safety — Private Security Bureau.

(B) A Person in control of an alarm system shall:

(1) Communicate alarm notifications and cancellations to the City in a manner and form determined by the City;

(2) Use enhanced verification procedures prior to reporting any burglary alarm to the public safety dispatch center. For the purpose of this section the process to be utilized for enhanced verification is defined in Section 110.01. A copy of the procedure is available from the City; **and**

(3) Include the valid alarm permit number for the premises when reporting the alarm to the public safety dispatch center.

Sec. 110.33. - Reserved.

Sec. 110.34. - Direct alarm reporting; automatic alarm notification.

A permit holder or Person in control of an alarm system whose alarm system transmits automatic alarm notifications directly to the city public safety dispatch center shall:

(A) Transmit the alarm in the form and with the content specified by the City and the public safety dispatch center;

(B) Insure that any recorded message is intelligible;

(C) If transmitted over telephone lines, prior approval of the transmission method must be obtained; guidelines and requirements are provided upon request; **and**

(D) Design the alarm system so that it will notify or attempt to notify the permit holder or his designated agent identified on the permit application when an alarm is transmitted to the City.

Sec. 110.35. - Alarm system operating instructions.

A Person in control of an alarm system shall maintain at each alarm site trained personnel capable of properly activating or inactivating the alarm and a complete set of written operating instructions for each alarm system. Special codes, combinations or passwords need not be included in these instructions.

Sec. 110.36. - Alarm dispatch records.

(A) The fire or police personnel responding to an alarm notification shall cause that information to be recorded as necessary to permit the City to maintain records, including but not limited to the following:

- (1) Inspection of the permit for issue date and validation;
- (2) Identification of the permit holder;
- (3) Identification of the alarm site;
- (4) Arrival time and dispatch received time;
- (5) Box number or reporting area; and
- (6) Name of permit holder's representative on premises, if any.

(B) The responding fire or police personnel shall indicate on the dispatch record whether the notification was caused by a fire or criminal offense.

Sec. 110.37. – System performance reviews.

If there is reason to believe that an alarm system is not being used or maintained in the manner that insures proper operation and suppresses false alarms, the City may require a conference with an alarm permit holder and the individual or association responsible for maintenance of the alarm system to review circumstances of each false alarm.

Sec. 110.38. – Reserved.

Sec. 110.39. – False Alarm fees.

(A) Except as provided in subsections (1) and (2) below, the City shall charge an escalating service fee to the permit holder for responding to false alarms occurring at an alarm site. Such fees are set forth in Chapter 31 of this Code:

- (1) If a person applies for an alarm permit before the installation of a new alarm

system, no false alarm fee will be assessed during the first 30 days after installation, and alarm notifications during that period will not be counted in determining when a false alarm fee will be assessed.

(2) If the responding fire or police personnel determine that an alarm notification was caused by a fire or criminal offense, no false alarm fee will be assessed for that notification and that notification will not be counted in determining when a false alarm fee will be assessed.

(B) The fire or police personnel who respond to an alarm site will make the initial determination as to whether or not alarm notification is false. Based on that determination, the Chief will cause to be prepared a report. The Chief will make the final determination of whether an alarm notification is false.

(C) The City will maintain records necessary to carry out the provisions of this Chapter.

Sec.110.40. – Alarm company responsibilities.

(A) A Person or monitoring facility that is engaged in the business of relaying alarm notification to the city shall:

(1) Register with the City in a format approved by the City;

(2) An Alarm Installation Company and /or Monitoring Company shall provide the City with a customer service list in a format acceptable to the DCO, upon request, to assist the City with creating the law enforcement's tracking data;

(3) Provide a client list annually by December 31st of each calendar year to the DCO;

(4) Provide an installation notice for new service locations to the DCO within three (3) calendar days of the installation and within three (3) calendar days of the termination;

(5) Obtain valid alarm permit numbers from their clients. A valid alarm permit number is required when reporting alarms to Police Department per Sec. 110.32 (B) (3);

(6) Report alarm signals and dispatch request by using telephone numbers designated by the DCO;

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

(8) After an alarm notification, promptly advise the Police Department if the Alarm Monitoring Company knows that the Alarm User or the Responder is on the way to the alarm site;

(9) The Alarm Monitoring Company shall provide written and oral instructions to each of its Alarm Users in the proper use and operation of their alarm systems. Such instructions will specifically include all instructions necessary to turn the alarm system on and off and to avoid false alarms;

(10) An Alarm Monitoring Company shall not use automatic voice dialers;

(11) After completion of the installation of an alarm system, an Alarm Installation Company employee shall review with the Alarm User a checklist approved by the DCO; and

(12) Each Alarm Installation Company and Alarm Monitoring Company must designate one individual as the Alarm Response Manager (ARM) for the company who will manage alarm related issues and act as the point of contact for the DCO. The appointed individual must be knowledgeable of the general provisions of the Ordinance, as well as have the knowledge and authority to deal with false alarm issues and respond to requests from the City. The name, phone number, and email address of the designated ARM must be provided to the DCO.

(B) The responsibilities imposed by this section on an Alarm Company do not apply to the installation or activation of a personal emergency response system, as defined under Texas Occupation Code, Section 1702.331.

Secs. 110.41. – Confidentiality.

Except when required by law or court order to release information, all information contained in and gathered through the alarm permit applications, records relating to alarm dispatch requests and applications for appeals shall 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. The provisions of Texas Occupations Code, Section 1702.284 shall apply to all records obtained or archived by this ordinance. This information shall not be subject to public inspection. Public interest is served by not disclosing said information to the public and clearly outweighs the public interest served by disclosing said information.

Secs. 110.42 – 110.95. – Reserved.

Sec. 110.96. - Culpable mental state not required.

Neither allegation nor evidence of a culpable mental state is required for the proof of an offense defined by this Chapter.

Sec. 110.97. - Violations.

A person commits an offense if he violates by commission or omission any provision of this chapter that imposes upon him a duty or responsibility.

Sec. 110.98. - Liability for facts or omissions.

In addition to prohibiting or requiring certain conduct of individuals, it is the intent of this chapter 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.

Sec. 110.99. – Penalty.

A person who violates a provision of this chapter 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 of not more than \$1,000.00.

SECTION 3

A violation of any of the provisions of this ordinance shall be deemed to be a misdemeanor and, upon conviction of such violation, such violation shall be punished by a penalty of fines as set forth in 10.99 for each offense.

SECTION 4

That, save and except as amended by this ordinance, Title XI shall remain in full force and effect.

SECTION 5

That the provisions of this ordinance are severable in accordance with Section 10.07 of the Carrollton City Code.

SECTION 6

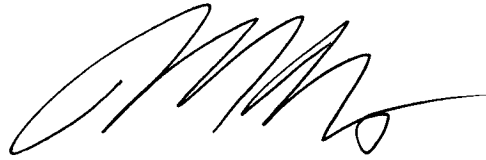
That all ordinances or parts of ordinances in conflict with this ordinance are specifically repealed.

SECTION 7

That this ordinance shall become effective from and after October 1, 2012.

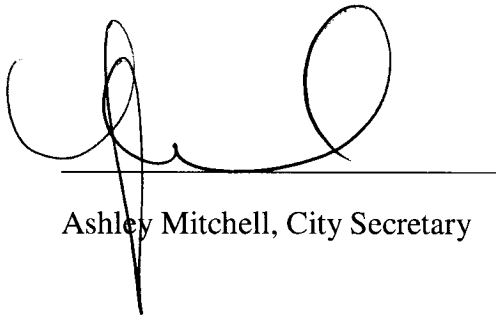
DULY PASSED AND APPROVED by the City Council of the City of Carrollton, Texas this 5th day of June, 2012.

CITY OF CARROLLTON, TEXAS

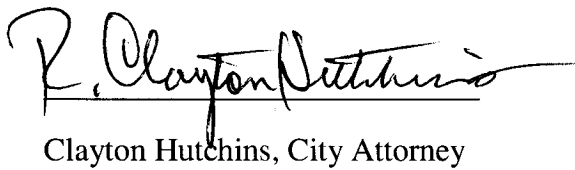


Matthew Marchant, Mayor

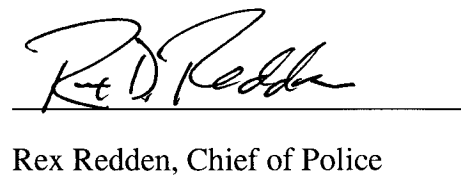
ATTEST:


Ashley Mitchell, City Secretary

APPROVED AS TO FORM:


Clayton Hutchins, City Attorney

APPROVED AS TO CONTENT:


Rex Redden, Chief of Police