CHAPTER 104: ALARMS

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§ 104.001 DEFINITIONS.

ALARM ADMINISTRATOR. A person or persons designated by the Chief of Police to administer, control and review alarm applications, alarm permits and alarm dispatch requests.

ALARM BUSINESS. Any person who sells, leases, maintains, services, repairs, alters, replaces, moves, installs or monitors an alarm system in an alarm site.

ALARM DISPATCH REQUEST. A notification to the police by the alarm business that an alarm, either manual or automatic, has been activated at a particular alarm site.

ALARM PERMIT or ***PERMIT.*** A certificate, license, permit, registration or other form of permission from the ***ALARM ADMINISTRATOR*** that authorizes a person to operate an ***ALARM SYSTEM*** at an ***ALARM SITE***.

ALARM SITE. A single premises or location served by an alarm system or systems. Each tenancy, if served by a separate alarm system in a multi-tenant building or complex, shall be considered a separate alarm site.

ALARM SYSTEM. A device or system that transmits or relays a signal to summon emergency services. Alarm system does not include:

(1) An alarm installed on a vehicle unless the vehicle is permanently located at a site; or

(2) An unmonitored alarm system that does not cause an alarm dispatch request requiring Police Department or Fire Department response.

ALARM USER. Any person, firm, partnership, corporation or other entity which uses an alarm system at its alarm site.

CHIEF. The Chief of Police of the city or an authorized representative.

CONVERSION. The transaction or process by which one alarm business begins monitoring of an alarm system previously monitored by another alarm business.

DURESS ALARM. A silent alarm signal generated by the manual activation of a device intended to signal a crisis situation, including but not limited to a robbery in progress, requiring police response.

FALSE ALARM DISPATCH. An alarm dispatch request to the police department, when the responding officer finds no evidence of a criminal offense or attempted criminal offense after having responded within 30 minutes of the alarm notification and determining from an inspection of the interior or exterior of the premises that the alarm was false. An alarm dispatch request that is canceled by the alarm business or the alarm user prior to the time the responding officer reaches the alarm site shall not be considered a false alarm dispatch. An alarm that is found to be caused by the weather, earthquake or other event that cannot be foreseen or prevented shall not be considered a ***FALSE ALARM DISPATCH***.

MONITORING. The process by which an alarm business receives signals from alarm systems and relays an alarm dispatch request to the city for the purpose of summoning police response to the alarm site.

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

VERIFY. An attempt by the alarm business, or its representative, to contact the alarm site by telephonic or other electronic means, whether or not actual contact with a person is made, before requesting a police dispatch, in an attempt to avoid an unnecessary alarm dispatch request.

VIDEO VERIFICATION ALARM. A monitored alarm system in which a trained central station operator uses live video to confirm an intrusion before calling police.

(Ord. 6-2001-40, passed 6-12-01; Am. Ord. 09-2019-56, passed 9-24-19; Am. Ord. 07-2021-38, passed 7-27-21)

§ 104.002 ALARM PERMIT REGISTRATION REQUIRED; TRANSFERABILITY; FALSE STATEMENTS.

(A) No alarm user shall operate or cause to be operated an alarm system at its alarm site without a valid alarm permit issued by the alarm administrator. A separate permit is required for each alarm site.

(B) Upon receipt of a completed application form and the permit fee, the alarm administrator shall issue an alarm permit to an applicant unless the applicant has:

(1) Failed to pay a fine or fee assessed under §104.010.

(2) Had an alarm permit for the alarm site revoked, and the violation causing the revocation has not been corrected.

(C) Each permit application must include the following information:

(1) The name, address, and telephone numbers of the alarm user, who will 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, apartment, or commercial/industrial;

(3) The name, address and phone number of the alarm business monitoring the alarm system.

(4) Indicating if it is a video verification system.

(D) 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. An alarm user shall inform the alarm administrator of any change that alters any information listed on the permit application within five business days after the change.

(F) Information contained in permit applications shall be held in confidence by all employees or representatives of the city with access to information.

(Ord. 6-2001-40, passed 6-12-01; Am. Ord. 09-2019-56, passed 9-24-19; Am. Ord. 07-2021-38, passed 7-27-21)

§ 104.003 ALARM SYSTEMS IN APARTMENT COMPLEXES.

(A) If an alarm system installed by an individual tenant in an apartment complex unit is monitored, the tenant must provide the name of a representative of the apartment owner or property manager who can grant access to the apartment.

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

(C) For purposes of assessing fines or fees and enforcing this chapter against an individual residential unit alarm site, the tenant is responsible for payment of fines or fees for false alarm dispatches emitted from the alarm system in the tenant's residential unit.

(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 offices, storage and equipment areas.

(E) Permit fees: (see fine and fee table in §104.010).

(Ord. 6-2001-40, passed 6-12-01; Am. Ord. 09-2019-56, passed 9-24-19; Am. Ord. 07-2021-38, passed 7-27-21)

§ 104.004 PERMIT DURATION AND RENEWAL.

A permit shall expire 12 months from the date of issuance, and must be renewed annually by submitting an updated application and a permit renewal fee to the alarm administrator. The alarm administrator shall notify each alarm user of the need to renew 30 days prior to the expiration of their permit. It is the responsibility of the alarm user to submit an application prior to the permit expiration date. Failure to renew will be classified as use of a non-permitted alarm system and shall be a violation of this chapter.

(Ord. 6-2001-40, passed 6-12-01; Am. Ord. 09-2019-56, passed 9-24-19)

§ 104.005 PROPER ALARM SYSTEMS OPERATION AND MAINTENANCE.

(A) An alarm user shall:

(1) Maintain the premises and the alarm system in a manner that will minimize or eliminate false alarm dispatches;

(2) Make every reasonable effort to respond or cause a representative to respond to the Alarm systems location within one hour when notified by the city to deactivate a malfunctioning alarm system, to provide access to the premises, or to provide security for the premises; and

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

(B) An alarm user shall 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 15 minutes after being activated.

(Ord. 6-2001-40, passed 6-12-01)

§ 104.006 DUTIES OF ALARM BUSINESS.

(A) Upon the installation or activation of an alarm system, the alarm business shall distribute to the alarm user information summarizing:

(1) The applicable law relating to false alarms, including the potential for penalties and revocation or suspension of an alarm registration;

(2) How to prevent false alarms;

(3) How to operate the alarm system; and

(4) Ensure that all alarm users of alarm systems equipped with duress, holdup or panic alarms are given adequate training as to the proper use of the system.

(B) The alarm business shall notify the alarm administrator of an installation or activation of an alarm system no later than thirtieth day after the date of the installation or activation. The alarm installation company shall provide to the alarm administrator:

(1) The alarm business name;

(2) The alarm business license number;

(3) The name of the alarm user at the alarm site;

(4) The alarm site address; and

(5) The date of the installation or activation.

(C) The alarm business shall maintain a license through the State Department of Public Safety Private Security Bureau.

(D) An alarm business performing monitoring services shall:

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

(2) Attempt to verify every alarm signal, except a duress alarm activation, before requesting a police response to an alarm signal;

(3) Communicate alarm dispatch requests to the city in a manner and form determined by the alarm administrator;

(4) Communicate verified cancellations of alarm dispatch requests to the city in a manner and form determined by the alarm administrator.

(5) Ensure that all alarm users of alarm systems equipped with a duress alarm are given adequate training as to the proper use of the duress alarm.

(E) The alarm administrator shall:

(1) Designate a manner, form and telephone numbers for the communication of alarm dispatch requests;

(2) Develop a procedure to accept verified cancellation of alarm dispatch requests.

(Ord. 6-2001-40, passed 6-12-01; Ord. 07-2021-38, passed 7-27-21)

§ 104.007 ALARM SYSTEM OPERATING INSTRUCTIONS.

An alarm user shall maintain at each alarm site a set of written operating instructions for each alarm system.

(Ord. 6-2001-40, passed 6-12-01)

§ 104.008 ALARM DISPATCH REQUEST RECORDS.

(A) The police department telecommunicator and officer responding to an alarm dispatch request shall record such information as necessary to permit the alarm administrator to maintain records, including, but not limited to, the following information:

(1) Identification of the alarm site;

(2) Date and time of the alarm dispatch request;

(3) Arrival time of the responding police officer at the alarm site;

(4) Weather conditions if applicable;

(5) Area and/or sub-area of premise involved;

(6) Name of alarm user's representative on premises, if any;

(7) Identification of the responsible alarm business, and/or;

(8) If applicable, inability to locate the address and effort made to locate the correct address by the responsible alarm business.

(B) The responding police officer shall indicate on the dispatch record whether the dispatch was caused by a criminal offense, an attempted criminal offense, or was a false alarm dispatch.

(C) In the case of an assumed false alarm dispatch, the alarm administrator shall cause there to be issued notice, through regular mail or electronic mail, that the police department has responded to a false alarm dispatch. The notice shall include the following information:

(1) The date and time of police response to the false alarm dispatch;

(2) A statement urging the alarm user to ensure that the alarm system is properly operated, inspected, and serviced in order to avoid fines.

(D) Alarm businesses that perform monitoring of alarm systems must maintain records relating to the dispatch for a period of at least one year following an alarm dispatch request to an alarm site. Records must include the name, address and phone number of the alarm user, the alarm system zone(s) or point(s) activated, the time of request for police dispatch and evidence that an attempt to verify was made to the alarm site prior to the request for police dispatch. The alarm administrator may request copies of such records for individually named alarm users.

(Ord. 6-2001-40, passed 6-12-01; Am. Ord. 09-2019-56, passed 9-24-19)

§ 104.009 SYSTEM PERFORMANCE REVIEW.

If there is reason to believe that an alarm system is not being used or maintained in a manner that ensures proper operation and suppresses false alarms, the alarm administrator may require a conference with an alarm user and the alarm business responsible for the repair of the alarm system to review the circumstances of each false alarm.

(Ord. 6-2001-40, passed 6-12-01)

§ 104.010 FINES/FEES.

(A) (1) *Permit fees.*

Residential Alarm System Permit Fee	$15.00
Residential Alarm System Annual Renewal Fee	$15.00
Late Fee after 30 days	$20.00
Commercial Alarm System Permit Fee	$50.00
Commercial Alarm System Annual Renewal Fee	$50.00
Late Fee after 30 days	$20.00

(2) One half of the permit fee is waived for a video verification alarm system.

(3) No refund of a permit or permit renewal fee will be made.

(4) The initial annual permit fee must be submitted to the alarm administrator within 30 days after the alarm installation.

(B) An alarm user shall be subject to citation and/or fines, depending on the number of false alarm dispatches emitted from an alarm system within a 12 month period based upon the following schedule:

1st - 3rd alarm	No charge
4th - 5th alarm	$30.00

6th - 7th alarm	$75.00
8th and beyond alarm	$100.00

(C) *Other fines.*

(1) Any false alarm occurring without a valid alarm permit will be $50 for first offense in a 12-month period, $140 for each additional offense if within a 12-month period from previous offense.

(2) Late fee for payment after 30 days $20.

(3) Appeal Hearing Fee *$25 plus assessed fine.

*(Fee and fine shall be refunded in its entirety if appeal is upheld)

(4) Reinstatement of response fee $50.

(Ord. 6-2001-40, passed 6-12-01; Am. Ord. 09-2019-56, passed 9-24-19; Am. Ord. 07-2021-38, passed 7-27-21)

§ 104.011 REVOCATION OF ALARM PERMIT.

(A) The alarm administrator may revoke an alarm permit if it is determined that:

(1) There is a false statement of a material matter in the application for a permit; or

(2) The permit holder has failed to make timely payment of a fine or fees assessed under §104.010.

(B) A person commits an offense if he operates an alarm system during the period in which the alarm permit is revoked.

(C) The Chief may not refuse police response to an alarm dispatch request at an alarm site because of excess false alarms if the fines or fees imposed in § 104.010 are paid in full.

(D) The Chief may suspend response after the tenth false alarm at an alarm site within a 12-month period by providing written notice to the alarm user.

(Ord. 6-2001-40, passed 6-12-01; Am. Ord. 09-2019-56, passed 9-24-19; Am. Ord. 07-2021-38, passed 7-27-21)

§ 104.012 APPEAL FROM DENIAL OR REVOCATION OF A PERMIT.

(A) If the alarm administrator denies the issuance or renewal of a permit or revokes a permit, the alarm administrator shall send written notice of the action and a statement of the right to an appeal, by certified mail, return receipt requested, to both the applicant or alarm user and the alarm business.

(B) The applicant or alarm user may appeal the decision of the alarm administrator to the Chief by filing a written request for a review setting forth the reasons for the appeal within 20 days after receipt of the notice from the alarm administrator. An alarm business may submit the request for review on behalf of an Alarm user. Filing of a request for appeal shall stay the revocation of a permit until the Chief has completed his/her review. If a request for appeal is not made within the 20 day period, the action of the alarm administrator is final. If a timely request for an appeal is made, the Chief's decision shall be final.

(Ord. 6-2001-40, passed 6-12-01; Am. Ord. 07-2021-38, passed 7-27-21)

§ 104.013 REINSTATEMENT OF PERMIT.

A person whose alarm permit has been revoked may be issued a new permit if the person:

(A) Submits an updated application and pays a permit fee as required by §104.002;

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

(C) Submits a certification from an alarm business that complies with the requirements of this chapter, stating that the alarm system has been inspected and repaired (if necessary) by the alarm business.

(Ord. 6-2001-40, passed 6-12-01)

§ 104.014 OFFENSES.

(A) A person commits an offense if he fails to apply for a permit within 30 days after installation of an alarm system and/or if he or she thereafter operates or causes to be operated an alarm system without a valid permit issued pursuant to this chapter.

(B) A person commits an offense if he or she operates an alarm system during the period in which the alarm permit is revoked.

(C) A person commits an offense if he or she engages in the business of relaying alarm notifications within the city limits of Cleburne without fully complying with this chapter.

(Ord. 09-2019-56, passed 9-24-19)

§ 104.015 GOVERNMENT IMMUNITY.

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

(Ord. 09-2019-56, passed 9-24-19)

§ 104.999 PENALTY.

Whoever shall violate any provision of this chapter shall be guilty of a misdemeanor and shall be liable to a penalty as set forth in § 10.99 of the City of Cleburne Code of Ordinances.

(Ord. 09-2019-56, passed 9-24-19)