ORDINANCE NO. 08-2013-209

AN ORDINANCE OF THE CITY OF CROWLEY, TEXAS, AMENDING AND READOPTING ARTICLE III "ALARM SYSTEMS" OF CHAPTER 30 OF THE CODE OF ORDINANCES; PROVIDING A REGISTRATION REQUIREMENT AND FEE FOR REGISTRATION; PROVIDING A FINE AS A PENALTY FOR A CERTAIN NUMBER OF FALSE ALARMS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Crowley is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the local Government Code; and

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

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

WHEREAS, the City Council has determined that contracting with an outside agency to administer the provisions of this ordinance will help accomplish that goal; and

WHEREAS, the City Council desires to repeal and readopt the provisions of Article III "Alarm Systems" of Chapter 30 of the City code as set forth herein; and

WHEREAS, the City Council of the City of Crowley determines that the passage of this Ordinance is in the best interests of the health, safety and welfare of the citizens of Crowley.

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

SECTION 1.

That Article III "Alarm Systems" of Chapter 30 of the Code of Ordinances of the City of Crowley, is hereby repealed and readopted in its entirety to read as follows:

"ARTICLE III. ALARM SYSTEMS

DIVISION 1 – GENERALLY

Sec. 30-50. - Purpose.

The purpose of this article is to encourage alarm users and alarm companies to properly use and maintain the operational effectiveness of alarm systems in order to improve the reliability of alarm systems and reduce or eliminate false alarms.

Sec. 30-51. - 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 or requires a different meaning:

Act of God means an extraordinary interruption by natural causes (such as a flood or an earthquake) of the usual course of events that experience, foresight, or care cannot reasonably foresee or prevent.

Alarm administrator means the chief of police or his designated representative who shall administer, control and review false alarm reduction efforts and administer the provisions of this article.

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. This definition shall also include persons that install and service the alarm systems that will be used in their private or proprietary facilities. This does not include persons doing installation or repair work where such work is performed without compensation of any kind (i.e., "do-it-yourselfers").

Alarm notification means a notification to the police department that an alarm, either manual or automatic, has been activated at a particular alarm site.

Alarm registration means authorization granted by the alarm administrator to an alarm user to operate an alarm system; alarm registration means the same as "permit" as defined in V.T.C.A., Local Government Code § 214.191(2).

Alarm site means a single fixed premises or location (one street or apartment address) served by an alarm system or systems that are under the control of one owner or tenant. Each unit, if served by a separate alarm system in a multi-unit office building or apartment complex, shall be considered a separate alarm site and is further defined by the following categories:

(1) *Residential site* means a single family residence and each residential unit of multi-unit building or complex which is served by an alarm system.

(2) *Commercial site* means every premises or location where any business activity is regularly conducted and which is served by an alarm system. Each unit of a business premises or business location, if served by a separate alarm system in a multi-unit building or complex, shall be considered a separate commercial alarm system site.

(3) *Educational site* means every premises or location of a public or private school or school administrative office.

(4) *Government site* means every premises or location of any federal, state, county or municipal government office.

Alarm system means a device or series of devices, including, but not limited to, a control panel, all types of sensors, and arming station(s), 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 unmonitored systems. An alarm system may include, but is not limited to, hardwired systems and systems interconnected with a radio frequency method (such as cellular or private radio signals). Alarm system does not include:

(1) An alarm installed in a vehicle or on someone's person unless the vehicle or the personal alarm is permanently located at a site; nor

(2) An alarm system designed to alert only the inhabitants of a premise.

Alarm user means any person, who has contracted for monitoring, repair, installation or maintenance service from an alarm installation company or monitoring company for an alarm system, or who owns or operates an alarm system which is not monitored, maintained or repaired under contract.

Arming station means a device that allows control of an alarm system.

Automatic voice dialer or *direct dial system* 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 the police department 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.

City means the City of Crowley, Texas.

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.

Director means the city manager or the city manager's authorized representative.

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 police department response.

False alarm means an alarm notification to the police department, when the responding personnel find no evidence of 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.

Hold-up alarm means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress or immediately after it has occurred.

License means a license issued by the state department of public safety private security bureau to an alarm installation company or monitoring company to sell, install, monitor, repair, or replace alarm systems.

Monitoring means the process by which a third party including, but not limited to, a monitoring company receives signals from an alarm system and relays an alarm notification to the police department for the purpose of summoning police department personnel 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 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 police department response.

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

Responder means an individual capable of reaching the alarm site within 45 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".

Special trunkline means a telephone line leading into the communications center of the police department which is used by monitoring companies for alarm notifications.

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 alarm system means an alarm system which is not monitored, maintained, or repaired under contract with a third party which emits a signal at an alarm site that is audible or visible from the exterior of the premises.

Verify means an attempt by the monitoring company to determine the validity of an alarm signal prior to requesting police department personnel to respond.

Zones means division of devices into which an alarm system is divided to indicate the general location from which an alarm system signal is transmitted.

Secs. 30-52 - 30-59. - Reserved.

DIVISION 2 – ALARM REGISTRATION

Sec. 30-60. - Registration required; application: fee; transferability; false statements.

(a) A person commits an offense if he installs, operates or causes to be operated a monitored or unmonitored alarm system without first obtaining an alarm registration from the alarm administrator. A separate alarm registration is required for each alarm site.

(b) The director shall refuse police response to any alarm notification from an alarm site that does not have a valid alarm registration, unless the alarm notification was:

(1) A duress alarm;

(2) A hold up alarm;

(3) A panic alarm; or

(4) Reported to a 9-1-1 emergency telephone number or to the police department by a person other than the monitoring company.

(c) Upon receipt of a true and completed application form and payment of the applicable nonrefundable fee, the alarm administrator shall issue an alarm registration to an applicant unless the applicant has failed to pay a fee or fine assessed under this article or has had an alarm registration for the alarm site revoked, and the violation causing the revocation has not been corrected.

(d) Each alarm registration application must contain the following information:

(1) Name, address, and telephone number of the person who will be the alarm registration holder and will be responsible for the proper maintenance and operation of the alarm system and payment of fees assessed under this article;

(2) Classification of the alarm site as either residential, commercial, educational, or government;

(3) For each alarm system located at the alarm site, the purpose of the alarm system, such as, burglary, duress, hold-up, or panic alarm; and

(4) The alarm registration shall contain the names and phone numbers of two people that when notified by the police department will come to the alarm site within 45 minutes, if requested, to terminate the alarm signal and secure the property.

(5) Other information required by the director which is necessary for the enforcement of this Article.

(e) Application for an alarm registration under the provisions of this article constitutes a grant of approval to the city to deactivate an alarm system that sounds an alarm signal for longer than 30 minutes.

(f) The annual nonrefundable alarm registration fees shall be effective for one calendar year from the date of issuance and renewable annually on that date.

(g) All fees and fines owed by an applicant must be paid before an alarm registration may be issued or renewed.

(h) An alarm registration cannot be transferred to another person. An alarm registration holder shall inform the alarm administrator of any change that alters any information listed on the registration application within five business days. No fee will be assessed for those changes.

(i) A change of alarm user ownership or control of the alarm site shall be cause for a new alarm registration application to be filed for approval by the alarm administrator.

(j) Any false statement of a material matter made by an applicant for the purpose of obtaining an alarm registration shall be sufficient cause for refusal to issue a registration.

Sec. 30-61. - Alarm systems in apartment complexes.

(a) A tenant of an apartment complex shall obtain an alarm registration before operating or causing the operation of an alarm system in the tenant's residential unit alarm site.

(b) For purposes of assessing service fees and enforcing this section against an individual residential unit alarm site, the tenant is responsible for payment of service fees for false alarm notifications emitted from the alarm system in the tenant's residential unit.

(c) The owner or property manager of an apartment complex shall obtain a separate alarm registration 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.

Sec. 30-62. - Registration duration; renewal; and cancellation.

(a) Alarm registrations shall be renewed on a calendar year basis. Alarm registrations expire one calendar year from the date of issuance (the "expiration date"). An alarm registration must be renewed by completing an alarm registration application and returning it along with the annual renewal fee, to the alarm administrator prior to the expiration date, in order to avoid penalty. If the registration is not renewed, a late fee of $10.00 will be assessed.

(b) The annual renewal fees are as follows:

Residential site—Unmonitored	No Fee
Residential site—Monitored	$50.00
Commercial site	$100.00

(c) The reinstatement fees are as follows:

Residential site—Unmonitored	No Fee
Residential site—Monitored	$50.00
Commercial site	$100.00

(d) No refund of a registration, registration renewal, or registration reinstatement fee will be made.

(e) An alarm user shall cancel an alarm registration for any alarm system which is removed from an alarm site or which otherwise ceases to come under the registering requirements of this article. Alarm registration cancellation may be accomplished by returning the alarm registration to the alarm administrator.

(f) A "valid registration" sign and or decal will be provided with the registration upon issuance.

Secs. 30-63 - 30-69. - Reserved.

DIVISION 3 – INSTALLATION AND OPERATION

Sec. 30-70. - Duties of alarm user.

(a) An alarm user 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 representative to respond within 45 minutes when notified by the police department 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;

(5) Not manually activate an alarm system 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) of this section; and

(6) Not use automatic voice dialing devices.

(b) An alarm user or person in control of an alarm system shall maintain at each alarm site, a set of written operating instructions for each alarm system.

(c) An alarm user or person in control of an alarm system shall agree with their alarm installation company and/or monitoring company to go through an "acclimation period" for the first seven days after installation of an alarm system during which time the alarm installation company and/or monitoring company will have no obligation to and will not respond to any burglar alarm signal, excluding panic, duress and holdup signals, from the alarm site and will not make an alarm notification to the police department, even if the burglar alarm signal is the result of an actual alarm event.

The alarm administrator may waive this prohibition because of an imminent danger to people or property. An alarm installation company and/or monitoring company must comply with these procedures when requesting police response to an alarm signal. The police department may refuse to respond if the alarm business does not follow these procedures.

(d) An alarm user or person in control of an alarm system shall adjust the mechanism or cause the mechanism to be adjusted so that an alarm system, after being activated, will sound for no longer than:

(1) Thirty minutes for an alarm system installed before January 1, 2007, except as otherwise provided in subsection (d)(2)b. of this section; and

(2) Ten minutes for an alarm system:

a. Installed on or after January 1, 2007; or

b. Installed before January 1, 2007, but to which any improvement is made on or after January 1, 2007.

(e) An alarm user or person in control of an alarm system shall adjust the mechanism or cause the mechanism to be adjusted so that an alarm system shall not make a sound similar to that of sirens on emergency vehicles or civil defense warning systems.

(f) An alarm user or person in control of an alarm system shall adjust the alarm system or cause the alarm system to be adjusted so that upon activation the alarm system will not transmit another alarm signal from the same zone without first being manually reset.

(g) Individuals that have installed their own system, local alarms, as well as firms with proprietary systems shall comply with all of the requirements in this section.

Sec. 30-71. - Duties of alarm installation and monitoring company.

(a) Upon the installation or activation of an alarm system, the alarm installation company 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 a duress, holdup or panic alarm are given adequate training as to the proper use of the duress, holdup or panic alarm.

(b) The alarm installation company shall notify the alarm administrator of an installation or activation of an alarm system not later than the 30th day after the date of the installation or activation. The alarm installation company shall provide to the alarm administrator:

(1) The alarm installation company name;

(2) The alarm installation company license number;

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

(4) The alarm site address; and

(5) The date of installation or activation.

(c) An alarm installation company commits a class C misdemeanor offense if the company violates subsections (a) or (b) of this section.

(d) The duties imposed by this section on an alarm installation company do not apply to the installation or activation of a personal emergency response system, as defined under V.T.C.A., Occupation Code, § 1702.331.

(e) Upon the effective date of this article, alarm installation companies shall 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 programmed with one plus duress alarms prior to enactment of this article. However, upon the effective date of this article, when a takeover or conversion occurs, an alarm installation company must remove the one plus duress alarm capability from such alarm systems.

(f) Upon the effective date of this article, alarm installation companies shall not install a device to activate a holdup alarm, which is a single action, non-recessed button.

(g) An alarm installation company may not install any alarm system on or after January 1, 2007, that includes a detection device control panel unless the control panel meets or exceeds ANSI/SIA CP-01- Control Panel Standard - Features for False Alarm Reduction. This includes any existing detection device control panel that must be upgraded or replaced.

(h) An alarm installation or monitoring company shall not use automatic voice dialers.

(i) The monitoring company shall not make an alarm notification in response to a burglar alarm signal, excluding panic, duress and holdup signals, during the first seven 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.

(j) A monitoring company shall:

(1) Report alarm signals by using the special trunkline designated by the alarm administrator;

(2) Verify every alarm signal, except a duress or holdup alarm activation before requesting a police response to an alarm system signal;

(3) Communicate alarm notifications to the police department in a manner and form determined by the alarm administrator;

(4) Communicate cancellations to the police department in a manner and form determined by the alarm administrator;

(5) Communicate any available information (registration number, north, south, cross street, subdivision, front, back, floor, etc.) about the location on all alarm signals related to the alarm notification;

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

(7) After an alarm notification, promptly advise the police department if the monitoring company knows that the alarm user or the responder is on the way to the alarm site;

(8) Attempt to contact the alarm user or responder within 24 hours via mail, fax, telephone or other electronic means when an alarm notification is made;

(9) Upon the effective date of this article, monitoring companies must maintain for a period of at least one year from the date of the alarm notification, records relating to alarm notification. records must include the name, address and telephone number of the alarm user, the alarm system zone(s) activated, the time of alarm notification and evidence of an attempt to verify. The alarm administrator may make a written request for copies of such records for individually named alarm users. If the request is made within 60 days of an alarm notification, the monitoring company shall furnish requested records within three business days of receiving the request. If the records are requested between 60 days to one year after an alarm notification, the monitoring company shall furnish the requested records within 30 days of receiving the request; and

(10) Upon the effective date of this article, monitoring companies must immediately provide the police department with the names and phone numbers of the alarm user's emergency contacts, at the time of the alarm notification or within a reasonable amount of time after the alarm notification if the police department calls back to request the information.

(k) An alarm installation company and/or monitoring company shall provide the alarm administrator with a complete list of active customers on January 1 of each year, to assist the alarm administrator with creating and maintaining the police department's tracking data. The customer information will be provided in a format the alarm company is capable of producing and will include the following:

(1) Registration number.

(2) Customer name.

(3) Alarm site address.

(4) Installation or activation date.

(5) Alarm company license number.

(l) An alarm installation company and/or monitoring company that purchases alarm system accounts from another person shall notify the alarm administrator of such purchase and provide a complete list of the acquired customers, in a format the alarm company is capable of producing, that includes the following:

(1) Registration number.

(2) Customer name.

(3) Alarm site address.

(4) Acquisition date.

(5) Alarm company license number.

(m) Information provided to a governmental body under this section is confidential and may not be disclosed to the public except as required by law.

Sec. 30-72. - License or licensing.

All alarm installation companies and monitoring companies shall maintain a license through the state department of public safety private security bureau.

Sec. 30-73. - Duties and authority of the alarm administrator.

(a) The alarm administrator shall:

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

(2) Establish a procedure to accept cancellation of alarm notifications.

(b) The alarm administrator shall establish a procedure to record such information on alarm notifications necessary to permit the alarm administrator to maintain records, including, but not limited to, the information listed below:

(1) Identification of the alarm registration number for the alarm site;

(2) Identification of the alarm site;

(3) Date and time alarm notification was received, including the name of the monitoring company and the monitoring operator name or number;

(4) Date and time of police 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 police officer was unable to locate the address of the alarm site; and

(10) Cause of alarm signal, if known.

(c) The alarm administrator shall establish a procedure for the notification to the alarm user of a false alarm fine. The notice shall include the following information:

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

(2) The identification number of the responding police officer;

(3) The amount of the fine(s); and

(4) A statement urging the alarm user to ensure that the alarm system is properly operated, inspected, and serviced in order 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 class shall inform alarm users of the problems created by false alarms and teach alarm users how to avoid generating false alarms.

(1) The alarm administrator may request the assistance of associations, alarm companies and the police department in developing and implementing the class.

(2) The alarm administrator may allow an alarm user the option of completing an alarm user awareness class in lieu of paying one prescribed fine.

(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 shall require an alarm user to have a licensed alarm installation company inspect the alarm system after three false alarms in a calendar year.

(1) The alarm administrator may waive a required inspection if it is determined that a false alarm(s) could not have been related to a defect or malfunction in the alarm system.

(2) After five false alarms within a calendar year, the alarm administrator shall require an alarm user to have a licensed alarm installation company modify the alarm system to be more false alarm resistant or provide additional user training as appropriate.

(h) For the purpose of enforcing the provisions of this article, the alarm administrator or designated agent shall have the authority, at reasonable times and upon reasonable oral notice, to enter any premises in the city in or upon which the alarm system subject to this article is located, to inspect the installation and operation of such alarm system.

(1) If such inspection reveals any violations of provisions of this article, the alarm administrator promptly send a written report detailing such violations to the owner, lessee, or other person responsible for the alarm system.

(2) Such report shall require the correction within 30 days after receipt of a notice of the violation discovered, and shall state that a failure to comply may result in the revocation of the alarm registration and loss of police response.

(i) The alarm administrator will make a copy of this article and/or an ordinance summary sheet available to the alarm user, alarm installation company, and monitoring company.

Sec. 30-74. - Alarm company statistics.

(a) The director may require the alarm administrator to collect, analyze and disclose statistical information about a specific alarm installation company's false alarm experience.

(b) The alarm administrator will determine the false alarm rate for each alarm installation company. The false alarm rate is based on the number of alarm users of record for each alarm installation company contained within the alarm administrator's database divided by the number of false alarms from said alarm users in a specified period of time.

(1) This regulation requires that all alarm installation companies ensure each of their respective customers has a valid alarm registration and provide the alarm administrator with the name of any alarm user who cancels or otherwise terminates their alarm system services with the alarm installation company.

(2) The alarm administrator is responsible only for ensuring the accuracy of the false alarm rates and is not responsible for ensuring the accuracy of alarm installation company or alarm user supplied information.

(c) The alarm administrator may provide information about a specific alarm installation company's false alarm experience to the director for inclusion in any disclosure report about a specific alarm installation company.

(d) The alarm administrator may disclose and/or publish information about a specific alarm installation company's false alarm experience upon reasonable request and as often as is practicable.

Sec. 30-75. - Notification.

(a) The alarm administrator shall notify the alarm user in writing after each fineable false alarm. the notification shall include: the amount of the fine for the false alarm, the fact that response will be suspended after the tenth false alarm, excluding duress, holdup and panic alarms, and a description of the appeals procedure available to the alarm user.

(b) The alarm administrator will notify the alarm user and alarm installation company and/or monitoring company in writing if a conference is required 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.

(c) The alarm administrator will notify the alarm user and the alarm installation company or monitoring company in writing 30 days before alarm response is to be suspended. suspension of alarm response does not apply 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.

Sec. 30-76. - Fines.

(a) An alarm user shall be subject to fines, depending on the number of false alarms within a calendar year, based upon the following schedule:

False alarm fines.

# of False Alarms	Fines
1—3	$0.00
4—5	$50.00
6—7	$75.00
8—9	$100.00
10	$100.00 and police response revoked.

(b) An alarm user may be fined $50.00 for failure to provide a responder when requested by the police department.

(c) If cancellation occurs prior to a police officer arriving at the scene, this is not a false alarm for the purpose of fines, and no fines will be assessed.

(d) If it takes longer than 30 minutes for a police officer to respond to the alarm notification, this is not a false alarm for the purpose of fines, and no fines will be assessed.

(e) Notice of the right of appeal under this article will be included with any fines.

Sec. 30-77. - Registration; authority to revoke.

(a) The alarm administrator shall have the authority to revoke the operation of an alarm system if an inspection, as provided for in Section 30-73, reveals violations of this article which are not corrected.

(b) The alarm administrator shall also have the authority to revoke an alarm registration if:

(1) An alarm user fails to pay any fees or fines assessed in this article, within 30 days of being invoiced;

(2) There is a statement of material fact known to be false in the alarm registration 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 or more false alarms within a calendar year.

(c) A person commits an offense if he/she operates an alarm system during the period in which the alarm registration is revoked and is subject to enforcement and penalties set forth in this article.

(d) Unless there is separate indication that there is a crime in progress, the director will refuse police response to an alarm notification at an alarm site for which the alarm registration is revoked.

(e) If the alarm registration is reinstated pursuant to Section 30-79, the alarm administrator may again revoke the alarm registration if it is determined that three false alarms have occurred within the calendar year after the reinstatement date. All false alarm fines after reinstatement are $100.00 each.

Sec. 30-78. - Appeals.

(a) If the alarm administrator refuses to issue or renew a registration, or revokes a registration, a written notice of this action and a statement of the right to an appeal shall be sent to the alarm registration holder by certified mail, return receipt requested. The alarm registration holder may appeal the decision of the alarm administrator to the director by filing with the director a written request for a hearing, setting forth the reasons for the appeal, within ten days after receipt of the notice from the alarm administrator. The filing of a request for an appeal hearing with the director stays an action of the alarm administrator in revoking a registration until the director or designated representative makes a final decision. If a request for an appeal hearing is not made within the ten-day period, the action of the alarm administrator is final.

(b) The director shall set a time and place for the hearing, which shall be served upon the alarm registration holder by certified mail, return receipt requested. The director or designated representative shall serve as hearing officer at an appeal and consider evidence by any interested person. The formal rules of evidence do not apply at an appeal hearing. All parties to the hearing shall have the right to present evidence and shall have the right to cross examination. The hearing officer shall make a decision on the basis of a preponderance of the evidence within 15 days after the request for an appeal hearing is filed. The time for hearing an appeal may be extended by agreement of the parties. The hearing officer shall affirm, reverse, or modify the action of the alarm administrator. The decision of the hearing officer is final as to administrative remedies with the city.

(c) The alarm administrator 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 action of the telephone company;

(3) Evidence that a false alarm was caused by a power outage lasting longer than four hours;

(4) Evidence that the alarm notification was not a false alarm;

(5) Evidence that a police officer did not arrive within 30 minutes of the alarm notification; and/or

(6) In determining the number of false alarms, multiple alarms occurring in any 24-hour period may be counted as one false alarm; to allow the alarm user time to take corrective action unless the false alarms are directly caused by the alarm user.

Sec. 30-79. - Reinstatement.

A person whose alarm registration has been revoked may, at the discretion of the alarm administrator or the director, have the alarm registration reinstated by the alarm administrator or the director if the person:

(1) Submits a new application and pays a $50.00 dollar fee for residential and $100.00 dollar fee for commercial reinstatement;

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

(3) Submits a certification from an alarm installation company, stating that the alarm system has been inspected and repaired or upgraded (if necessary) by the alarm installation company; and

(4) That the requirements of the V.T.C.A., Occupation Code § 1702.286 have been met pertaining to the alarm installation company providing the alarm user with information on:

a. The law relating to false alarms, including potential penalties and the revocation or suspension of an alarm registration;

b. How to prevent false alarms; and

c. How to properly operate the alarm system.

(5) In cases where the alarm registration is revoked a second time in the 12-month period following the initial revocation, submits to the alarm administrator or director documented evidence from an alarm installation company that the control panel and arming stations meet the requirements of American National Standards Institute (ANSI) Control Panel Standard CP-01.

Sec. 30-80. - Confidentiality.

In the interest of public safety, except where otherwise required by law, all information contained in and gathered through the alarm registration applications, records relating to alarm notifications 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. Except where otherwise required by law, 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.

Sec. 30-81. - Government immunity.

An alarm registration is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response. Any and all 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 police 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 2.

That this ordinance shall be cumulative of all other ordinances of the City of Crowley and shall not repeal any of the provisions of such ordinances, except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

SECTION 3.

That it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared void, ineffective or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such voidness, ineffectiveness or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation herein of any such void, ineffective or unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4.

That all rights or remedies of the City of Crowley, Texas, are expressly saved as to any and all violations of the City Code or any amendments thereto regarding alarm systems that have accrued at the time of the effective date of this ordinance; and as to such accrued violations, and all pending litigation, both civil or criminal, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 5.

The City Secretary of the City of Crowley is hereby directed to publish in the official newspaper of the City of Crowley, the caption, penalty clause, and effective date clause of this ordinance as authorized by the City Charter and Section 52.013 of the Local Government Code.

SECTION 6.

This ordinance shall be in full force and effect on October 1, 2013 and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON THIS 1 DAY OF August, 2013.

ATTEST:

Angela Walker
CITY SECRETARY

CITY OF CROWLEY, TEXAS INCORPORATED
SEAL

Billy P. Davis
MAYOR