ORDINANCE NO. 1278-14

AN ORDINANCE OF THE CITY OF RICHLAND HILLS, TEXAS AMENDING ARTICLE III, AMBULANCES OF CHAPTER 30, EMERGENCY SERVICES OF THE CODE OF ORDINANCES OF THE CITY OF RICHLAND HILLS, TEXAS; RESERVING CERTAIN SECTIONS; CREATING ARTICLE IV, ALARM SYSTEMS OF CHAPTER 30, EMERGENCY SERVICES OF THE CODE OF ORDINANCES OF THE CITY OF RICHLAND HILLS, TEXAS; PROVIDING FOR REQUIREMENTS FOR ALARM SYSTEM PERMITS; PROVIDING FOR THE SUSPENSION OF ALARM PERMITS IN CERTAIN CIRCUMSTANCES; PROVIDING FOR THE DUTIES OF ALARM COMPANIES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the number of false alarms responded to by Police Department personnel is substantial; and

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

WHEREAS, it is desirable to recover costs associated with alarm regulation and false alarms as much as possible to minimize waste and maximize efficient utilization of available Police Department resources; and

WHEREAS, the Texas Legislature has enacted laws affecting alarm systems; and

WHEREAS, due to these laws and the interests stated above, the City Council deems it necessary to enact an ordinance regulating alarm systems in the City.

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

SECTION 1.

The Code of Ordinances, City of Richland Hills, is hereby revised by amending Article III “AMBULANCES” of Chapter 30 “EMERGENCY SERVICES” by adding Sections 30-63 through 30-79 to read as follows:

Secs. 30-63—30-79. Reserved.
SECTION 2.

The Code of Ordinances, City of Richland Hills, is hereby revised by amending Chapter 30 “EMERGENCY SERVICES” by adding a new Article IV “ALARM SYSTEMS” to read as follows:

ARTICLE IV. ALARM SYSTEMS

DIVISION 1. GENERALLY

Sec. 30-80. 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 Ordinance.

*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 Permit* means the authorization granted by the Alarm Administrator to an Alarm User to operate an Alarm System. *Alarm Permit* means the same as "permit" as defined in Section 214.191(2) of the Local Government Code.

*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 Alarm 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; or

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

**Alarm User** means 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 Unmonitored Alarm System.

**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 a response is terminated when a Monitoring Company (designated by the Alarm User) for the Alarm System 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 Notification.
City means the City of Richland Hills, 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 Installation Company or Monitoring 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 System 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 Texas 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 System 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 forty-five (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 that is not monitored, maintained, or repaired under contract with a third-party that is capable of emitting 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 System signal prior to requesting police department personnel to respond. The Verification process to be utilized is described in Appendix A, Alarm Verification and Notification Procedures with Annex A thereto, which are attached to this Ordinance and are made a part hereof by reference. A copy of the procedures is available from the Richland Hills Police Department Communications Section.

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.

DIVISION 2. ALARM PERMIT

Sec. 30-81. Permit Required; Application; Fee; Transferability; False Statements

(a) A Person commits an offense if he installs, operates or causes to be operated an Alarm System without first obtaining an Alarm Permit from the Alarm Administrator. A separate Alarm Permit 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 Permit, 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 Alarm Permit application form and payment of the applicable nonrefundable fee, the Alarm Administrator shall issue an Alarm Permit to an applicant unless the applicant has failed to pay a fee or fine assessed under this Article or has had an Alarm Permit for the Alarm Site revoked and the violation causing the revocation has not been corrected.

(d) Each Alarm Permit application must contain the following information:

(1) Name, address, and telephone number of the Person who will be the Alarm Permit 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 a Residential Site, Commercial Site, Educational Site, or Government Site;
(3) For each Alarm System located at the Alarm Site, the purpose of the Alarm System, such as, burglary alarm, Duress Alarm, Hold-up Alarm, or Panic Alarm;
(4) The names and phone numbers of two (2) people that, when notified by the police department, will come to the Alarm Site within forty-five (45) minutes, if requested, to terminate the Alarm System signal and secure the property; and
(5) Any other information required by the Director which is necessary for the enforcement of this Chapter.

(e) Application for an Alarm Permit under the provisions of this Article constitutes a grant of approval from the applicant to the City to deactivate the Alarm System covered by the application if it sounds an Alarm System signal for longer than thirty (30) minutes.

(f) An Alarm Permit shall be effective for one (1) year from the date of issuance and must be renewed annually on or before that date.
(g) All fees and fines owed by an applicant must be paid before an Alarm Permit may be issued or renewed.

(h) An Alarm Permit cannot be transferred to another Person. An Alarm Permit holder shall inform the Alarm Administrator of any change that alters any information listed on the permit application within five (5) business days of the change. No fee will be assessed for those changes.

(i) A new Alarm Permit application must be filed for approval by the Alarm Administrator when there is a change of the Alarm User or in the ownership or control of the Alarm Site.

(j) 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.

Sec. 30-82. Alarm Systems in Apartment Complexes.

(a) A tenant of an apartment complex shall obtain an Alarm Permit before operating or causing the operation of an Alarm System in the tenant’s apartment unit.

(b) For purposes of assessing service fees and enforcing this Section against a tenant of an apartment complex, the tenant is responsible for payment of fines for False Alarms from the Alarm System in the tenant's apartment unit.

(c) 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 an apartment complex, including but not limited to common tenant areas and office, storage and equipment areas.

Sec. 30-83. Permit Duration; Renewal; and Cancellation.

(a) Alarm Permits shall be renewed on an annual basis. Alarm Permits expire one (1) year from the date of issuance (the “expiration date”). An Alarm Permit must be renewed by completing an Alarm Permit 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 permit is not renewed prior to the expiration date, a late fee of ten dollars ($10.00) will be assessed.

(b) The annual renewal fees are as follows:

- Residential Site – $25.00
- Commercial Site – $100.00
- Educational Site – No Fee
- Government Site – No Fee
(c) The reinstatement fees are as follows:

- Residential Site – $25.00
- Commercial Site – $100.00
- Educational Site – No Fee
- Government Site – No Fee

(d) No refund of an Alarm Permit, Alarm Permit renewal, or Alarm Permit reinstatement fee will be made.

(e) An Alarm User shall cancel an Alarm Permit 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 Permit Cancellation may be accomplished by returning the Alarm Permit to the Alarm Administrator.

DIVISION 3. INSTALLATION AND OPERATION

Sec. 30-84. Duties of Alarm User.

(a) An Alarm User or Person in control of an Alarm System shall:

1. Maintain the Alarm Site in a manner which ensures proper operation of the Alarm System;

2. Maintain the Alarm System in a manner that will minimize False Alarms;

3. Respond or cause a representative to respond within forty-five (45) minutes when notified by the police department to repair or inactivate a malfunctioning Alarm System, to provide access to the Alarm Site, or to provide security for the Alarm Site;

4. Notify the police department prior to any repair or testing of an Alarm System where a false Alarm System 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 paragraph (a)(4) of the Section; and


(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 (7) 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, except for a signal of a Panic Alarm, Duress Alarm or Hold-up Alarm, 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 Installation Company and/or Monitoring Company does not follow these procedures.

(d) 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 the Alarm System, after being activated, will sound for no longer than:

(1) Thirty (30) minutes for an Alarm System installed before January 1, 2007, except as otherwise provided in Paragraph (2) (b) of this sub-section; and

(2) Ten (10) 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 Alarm System or cause the Alarm System to be adjusted so that the 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) Persons that have installed their own Alarm System, as well as firms with proprietary systems, shall comply with all of the requirements in this Section.

Sec. 30-85. Duties of Alarm Installation Company and Monitoring Company.

(a) Upon the installation or activation of an Alarm System, the Alarm Installation Company shall ensure that Alarm Users of Alarm Systems equipped with a Duress Alarm, Hold-up Alarm or Panic Alarm are given adequate training as to
the proper use of the Duress Alarm, Hold-up Alarm, or Panic Alarm and distribute to all Alarm Users information summarizing:

(1) the applicable law relating to False Alarms, including the potential for penalties and revocation or suspension of an Alarm Permit;

(2) how to prevent False Alarms; and

(3) how to operate the Alarm System.

(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 (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 Texas Occupation Code, Section 1702.331.

(e) Upon the effective date of this Ordinance, 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 Ordinance. However, upon the effective date of this Ordinance, when a Takeover or Conversion occurs, an Alarm Installation Company must remove the One Plus Duress Alarm capability from all affected Alarm Systems.

(f) Upon the effective date of this Ordinance, Alarm Installation Companies shall not install a device to activate a Hold-up Alarm that 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 Company 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, except for a signal for a Panic Alarm, Duress Alarm or Hold-up Alarm, during the first seven (7) 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 System signal, except a Duress Alarm or Hold-up 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 System 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 Ordinance, maintain for a period of at least one (1) year from the date of the Alarm Notification, records relating to
the 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 sixty (60) days of an Alarm Notification, the Monitoring Company shall furnish requested records within three (3) business days of receiving the request. If the records are requested between sixty (60) days to one (1) year after an Alarm Notification, the Monitoring Company shall furnish the requested records within thirty (30) days of receiving the request; and

(10) upon the effective date of this Ordinance, 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 information:

(1) Permit Number;
(2) Customer name;
(3) Alarm Site address;
(4) Installation or activation date; and
(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 information:

(1) Permit Number;
(2) Customer name;
(3) Alarm Site address;
(4) Acquisition date; and

(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. 30-86. License or Licensing.

All Alarm Installation Companies and Monitoring Companies shall maintain a License through the Texas Department of Public Safety Private Security Bureau.

Sec. 30-87. 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 Permit 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 System 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 Hold-up Alarm that is a single action, non-recessed button if a false Hold-up 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 (3) 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 (5) 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 an 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 shall promptly send a written report detailing such violations to the Alarm User or other person responsible for the Alarm System.

(2) Such report shall require the correction within thirty (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 Permit and loss of police response.

(i) The Alarm Administrator will make a copy of this Ordinance and/or an Ordinance summary sheet available to the Alarm User, Alarm Installation Company, and Monitoring Company.

Sec. 30-88. 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 Permit 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. 30-89. 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 (10th) False Alarm, excluding Duress Alarms, Holdup Alarms and Panic Alarms, and a description of the appeals procedure available to the Alarm User.

(b) The Alarm Administrator shall 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 shall notify the Alarm User and the Alarm Installation Company or Monitoring Company in writing thirty (30) days before alarm response is to be suspended. Suspension of alarm response does not apply to Duress Alarms, Hold-up Alarms and Panic Alarms. The notice of suspension shall also include the amount of the fine for each False Alarm and a description of the appeals procedure available to the Alarm User.

Sec. 30-90. 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:

<table>
<thead>
<tr>
<th># of False Alarms</th>
<th>False Alarm Fine</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-3</td>
<td>$ 0</td>
</tr>
<tr>
<td>4-5</td>
<td>$ 50</td>
</tr>
<tr>
<td>6-7</td>
<td>$ 75</td>
</tr>
<tr>
<td>8-9</td>
<td>$100</td>
</tr>
<tr>
<td>10</td>
<td>$100 and Police response revoked.</td>
</tr>
</tbody>
</table>

(b) An Alarm User may be fined Fifty Dollars ($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 thirty (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. 30-91. Permit; authority to revoke.

(a) The Alarm Administrator shall have the authority to revoke an Alarm Permit if the inspection of an Alarm System, as provided for in Section 30-88(h), reveals violations of this Article that are not corrected.

(b) The Alarm Administrator shall also have the authority to revoke an Alarm Permit if:

(1) an Alarm User fails to pay any fees or fines assessed in this Article, within thirty (30) days of being invoiced;

(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; or

(4) the Alarm User has ten (10) or more False Alarms within a calendar year.

(c) A Person commits an offense if he or she operates an Alarm System during the period in which the Alarm Permit 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 Permit is revoked.

(e) If the Alarm Permit is reinstated pursuant to Section 30-94, the Alarm Administrator may again revoke the Alarm Permit if it is determined that three (3) False Alarms have occurred within the twelve (12) month period after the reinstatement date. All False Alarm fines after reinstatement are $100.00 each.

Sec. 30-92. Appeals.

(a) If the Alarm Administrator refuses to issue or renew a permit, or revokes a permit, a written notice of this action and a statement of the right to an appeal shall be
sent to the Alarm Permit holder by certified mail, return receipt requested. The Alarm Permit 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 (10) 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 permit until the Director or designated representative makes a final decision. If a request for an appeal hearing is not made within the ten-day (10) 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 Permit 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 fifteen (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 (4) hours;
4. Evidence that the Alarm Notification was not a False Alarm;
5. Evidence that a police officer did not arrive within thirty (30) minutes of the Alarm Notification; or
6. In determining the number of False Alarms, multiple alarms occurring in any twenty-four (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. 30-93. Reinstatement.

(a) A Person whose Alarm Permit has been revoked may, at the discretion of the Alarm Administrator or the Director, have the Alarm Permit reinstated by the Alarm Administrator or the Director if the Person:

1. submits a new Alarm Permit application and pays a Fifty Dollar ($50.00) reinstatement fee for a Residential Site or a One Hundred Dollar ($100) reinstatement fee for a Commercial Site;

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. submits a certification from an Alarm Installation Company that the requirements of the Texas Occupation Code, Section 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 Permit;

   (B) how to prevent False Alarms; and

   (C) how to properly operate the Alarm System.

(b) A Person whose Alarm Permit has been revoked a second time in the twelve (12) month period following the initial revocation may, at the discretion of the Alarm Administrator or the Director, have the Alarm Permit reinstated by the Alarm Administrator or the Director if the Person 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. 30-94. Confidentiality.

In the interest of public safety and subject to the requirements of the Texas Public Information Act, all information contained in and gathered through the Alarm Permit applications, records relating to Alarm Notifications and applications for appeals shall be held in confidence by all employees or representatives of the City and by any third-party administrator or employees of a third-party administrator with access to information. Except where otherwise required by law, this information shall not be subject to public inspection. Public interest is served by not disclosing this information to the public and
the interest in protecting this information clearly outweighs the public interest served by disclosing this information.

Sec. 30-95. Government Immunity.

An Alarm Permit 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 an Alarm Notification is hereby disclaimed, and governmental immunity as provided by law is retained. By applying for an Alarm Permit, 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.

Sec. 30-96. Severability.

The provisions of this Article are severable. If a court determines that a word, phrase, clause, sentence, paragraph, subsection, section, or other provision is invalid or that the application of any part of the provision to any Person or circumstance is invalid, the remaining provisions and the application of those provisions to other Persons or circumstances are not affected by that decision.

SECTION 3.

This Ordinance shall be cumulative of all provisions of ordinances of the City of Richland Hills, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 4.

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

SECTION 5.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Five Hundred Dollars ($500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.
SECTION 6.

All rights and remedies of the City of Richland Hills, Texas, are expressly saved as to any and all violations of the provisions of any ordinances of the City of Richland Hills which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 7.

The City Secretary of the City of Richland Hills is hereby authorized to publish this Ordinance in book or pamphlet form for general distribution among the public, and the operative provisions of this Ordinance as so published shall be admissible in evidence in all courts without further proof than the production thereof.

SECTION 8.

The City Secretary of the City of Richland Hills is directed to publish the caption and penalty clause of this Ordinance in the official newspaper of the City of Richland Hills, Texas, as required by Section 52.011 of the Texas Local Government Code.

SECTION 9.

This Ordinance shall be in full force and effect form and after its passage and publication as provided by law, and it is so ordained.

PASSED AND APPROVED THIS _____ DAY OF _______________________, 2014.

THE HONORABLE BILL AGAN, MAYOR

ATTEST:

LINDA CANTU, CITY SECRETARY

EFFECTIVE DATE: ________________________
APPROVED AS TO FORM AND LEGALITY:

________________________________________
BESTY ELAM, CITY ATTORNEY