

ORDINANCE NO. 14-034-00

AN ORDINANCE OF THE CITY OF LEANDER AMENDING ARTICLE 4.03, ALARM SYSTEMS OF CODE OF ORDINANCES; AND AMENDING CODE OF ORDINANCES, APPENDIX "A", FEES, SECTION A4.001 RELATING TO ALARM PERMIT FEES; PROVIDING FOR EFFECTIVE DATE; AND PROVIDING FOR OTHER MATTERS.

Whereas, the City is authorized to regulate commercial and residential alarm systems within the city by ordinance and in conformity with state law; and

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

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

Whereas, it is appropriate for the City to recover the costs associated with alarm regulation and false alarms as much as possible and to maintain public service program fees and recoup the expenditures of such programs.

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

Section 1. Findings of Fact. The findings and recitations set out in the preamble of this Ordinance are found to be true and correct, and that they are hereby adopted by the City Council and made a part hereof for all purposes.

Section 2. Amendment of Alarm Systems Article. Article 4.03, and Appendix A, Fees, Section A4.001 of the Code of Ordinance, the City of Leander, Alarm Systems Regulations and Fees are hereby modified and amended by repealing and entirely replacing Article 4.03 to read as follows:

ARTICLE 4.03 ALARM SYSTEMS*

Division 1. Generally

Sec. 4.03.001 Purpose

The purpose of this ordinance 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. 4.03.002 Definitions

For the purpose of this article, all words shall have the normal and ordinary meaning, and the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Alarm administrator. the Chief of Police or his/her designated representative who shall administer, control and review False Alarm reduction efforts and administer the provisions of this Ordinance.

Alarm notification. A notification intended to summon the police, which is designed either to be initiated purposely by a person or by an alarm system that responds to a stimulus characteristic of unauthorized intrusion. (Recorded messages to any police station are prohibited herein.)

Alarm site. The specific property served by an alarm system that is under the control of one owner, tenant or lessor. 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.

Alarm system business. Any person who or entity that sells, installs, services, monitors, or responds to any alarm systems.

Automatic dial. Any device connected to an alarm system which automatically sends a prerecorded message or coded signal indicating the activation of the alarm system to a predetermined location.

Burglar alarm system (herein referred to as "system" or "alarm" unless otherwise indicated).

- (1) Any electrical, mechanical, or electronic device or assembly of equipment that emits, transmits, or relays a signal intended to summon, or that would reasonably be expected to summon, by direct or indirect means, the aid of the police services of the city. Such systems are "categorized" as to the following types or combinations of types:
 - (A) Residential burglar alarm;
 - (B) Residential medical emergency alarm;
 - (C) Residential duress alarm; or
 - (D) Commercial burglar alarm.
- (2) For purposes of this article, the following types of alarm systems are exempted:
 - (A) An alarm system installed in a motor vehicle, unless the vehicle is permanently located at a site;
 - (B) An alarm system designed to alert only the inhabitants of the premises which does not have a local alarm;

- (C) An alarm system installed upon premises occupied by the United States government or the state government when they occupy property owned by the state;
- (D) An alarm system designed solely to detect or give notice of fire or smoke; and
- (E) Any communications device not designed solely for alarm notification.

Chief of police. The chief of police for the city, his assistant chief or any representative designated by departmental operational order as alarm administrator.

City means the City of Leander, Texas.

Disconnect. To render an alarm disabled so as to prevent any direct or indirect notification to the police department by a silent or local alarm.

Expired permit. An invalid permit due to an expiration of the term of the permit period defined herein.

False alarm notification. An alarm notification to the police department when the responding officer or a subsequent investigation finds no evidence of unauthorized intrusion, an attempted unauthorized intrusion, robbery, attempted robbery or other illegal activity for which the alarm was intended to report.

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

Master alarm permit. A permit issued to the owner or property manager of a residential apartment complex which has an alarm system operated in one or more of the individual residential units. The fees for a master alarm permit shall be the same as those for an alarm permit.

Person. An individual, corporation, partnership, association, organization or any legal entity.

Relaying intermediary. Any person who reports the activation of an alarm to the police department for compensation.

Robbery alarm system (herein referred to as "system" or "alarm" unless otherwise indicated). Any electrical, mechanical, or electronic device or assembly of equipment that emits, transmits, or relays a signal intended to summon, or that would reasonably be expected to summon, by direct or indirect means, the aid of the police services of the city in response to a robbery. Such systems are "categorized" as to the following types or combinations of types:

- (1) Commercial holdup alarm; or

- (2) Manual holdup alarm indicating the presence of a robbery suspect.

Sec. 4.03.003 Permit Required

- (a) A person must obtain a permit, as is more thoroughly set out in Division 2, issued by the police chief before the person operates an alarm system.
- (b) A person must obtain a separate permit for each alarm site.
- (c) A permit holder must:
 - (1) Keep the alarm permit at the alarm site; and
 - (2) Produce the permit for inspection at the request of an employee of the police department.

Sec. 4.03.004 Operation and maintenance

- (a) A permit holder shall:
 - (1) Maintain the premises containing an alarm system in a manner that ensures 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 one hour when notified by the city to repair or inactivate a malfunctioning alarm system, to provide access to the premises, or to provide security for the premises;
 - (4) Not manually activate an alarm system for any reason other than occurrence of an event that the alarm system was intended to report;
 - (5) Utilize relaying intermediaries for residential alarm systems of all classification types; and
 - (6) Utilize relaying intermediaries for commercial alarm systems of all classification types.
- (b) A permit holder of a local alarm shall adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal will sound for no longer than fifteen (15) minutes after being activated.

(c) A permit holder shall maintain at each Alarm Site a set of written operating instructions for each Alarm System.

Sec. 4.03.005 Violations

(a) No person shall operate, cause to be operated or allow the operation of an alarm system:

- (1) Without a valid permit issued under the provisions of this article;
- (2) Without being in compliance with the procedures and provisions of this article;
or
- (3) That automatically dials the 911 emergency communications system.

(b) No person shall knowingly cause a false alarm to be activated.

Sec. 4.03.006 Penalties.

(a) Any person who shall violate any of the provisions of this article, or fail to comply therewith or with any requirements thereof, within the city limits, shall be deemed guilty of an offense and shall be liable for a fine in accordance with the general penalty provision found in [section 1.01.009](#) of this code. Each day the violation exists shall constitute a separate offense.

(b) Any person who operates, causes to be operated, or allows to be operated an alarm system without a valid permit shall be charged a fee as set forth in the false notification section herein. This is in addition to any criminal penalty imposed for violation of this article.

Sec. 4.03.007 Fees

(a) No fee under this article will exceed One Hundred Dollars (\$100.00); provided that permit fees under this article for a residential location shall not exceed Fifty Dollars (\$50.00).

(b) All fees under this article shall be set herein and such fees shall only be utilized to offset costs associated with the implementation, enforcement, personnel training, and general administration of this article by the police department.

(c) A late payment fee will be charged for fees not paid on time.

(d) The permit holder of record shall pay all fees incurred under such permit, including false alarm fees.

Sec. 4.03.008 Policies and procedures; duties of Alarm Administrator

(a) The chief of police shall institute policies and procedures in the form of operational orders to implement this article.

(b) The chief of police shall publish pertinent excerpts from this article and any relative policy statements that may be issued concerning the standards for the operation of alarm systems subject to this article. Each permit holder will be provided copies of these standards and all changes thereto.

(c) The chief of police shall establish a procedure for the notification to the permit holder or alarm user of fees and/or fines and shall include the date and time of the police response; the identification number of the responding officer, the amount of the fees/fines; and a statement urging the permit holder or alarm user to ensure that the Alarm System is properly operated, inspected and services in order to avoid future False Alarms and resulting fines.

(d) The chief of police shall establish a procedure to check and ensure that Alarm Installation Companies and Monitoring Companies who operate within the City have and maintain a License through the Texas Department of Public Safety Private Security Bureau.

(e) The chief of police shall establish a procedure to ensure that Alarm Installation Companies and/or Monitoring Companies that purchase accounts from another company or person shall notify the chief of police 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.

The 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. 4.03.009 Police response

(a) The response, if any, made to a signal from a permitted alarm system shall be subject to the policies and procedures of the police department and will be in accordance with the priorities set for police response.

(b) The issuance of a permit authorizing the use of an alarm system is not intended to nor shall it create a contract, either express or implied, nor does it create a duty or guarantee of response by the city police department. Any and all liability and consequential damages resulting from the failure to respond to a notification are hereby disclaimed and governmental immunity as provided by law is retained.

Sec. 4.03.010 False notifications

(a) The holder of an alarm permit shall pay a service fee as provided for in the fee schedule found in appendix A of this code. Such service fees shall begin and be collected in instances

where the calls for service from an alarm site are in excess of five false alarms within the preceding 12-month period.

(b) For any alarm notification for which a service fee is assessed, the chief of police has the authority to investigate the circumstances of the alarm, and may waive the payment of the fee. Police responses in excess of thirty (30) minutes response time shall not result in a false alarm incident for the purposes of this article's associated service fees.

Secs. 4.03.011–4.03.040 Reserved

Division 2. Permit

Sec. 4.03.041 Required

(a) An alarm system may not be operated without a permit issued by the chief of police. Upon enactment, permits shall be issued for new systems conforming to the Security Industry Association (SIA) Control Panel Standard with features for false alarm reduction. Existing systems at the time of enactment not conforming to SIA, but conforming to the requirements of state law, shall be permitted or renewed within the guidelines of this article until such time as such systems are significantly modified or converted, or taken over by another alarm company. On or after January 1, 2007, permits for new installations of such systems with a detection device control panel, such device shall meet or exceed the standards of the American National Standards Institute for false alarm reduction.

(b) A separate permit is required for each alarm site.

(c) The permit holder shall keep the alarm permit at the alarm site and shall produce such permit for inspection upon request of any member of the police department.

(d) If the permit holder does not advise the police department that they have relinquished control of the alarm site, and cancel their permit, the permit holder is responsible for outstanding fees associated with that permit.

(e) All persons having alarm systems at the time of enactment of this article shall have 6 months from the time of the enactment of this article to request a permit and comply with the terms of this article. All new installations shall comply with the terms of this article upon the passage and publication of the caption.

Sec. 4.03.042 Apartment complexes (multi-unit housing)

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

(b) A tenant of an apartment complex shall obtain a permit before operating or causing the operation of an alarm system in his/her residential unit. Such permits shall be issued individually to tenant(s) for that particular apartment unit.

(c) The permit of the tenant supersedes the master permit of the apartment complex, and the tenant shall be responsible for payment of fees for false alarm notifications emitted from the alarm system in the tenant's unit. The master alarm permit holder is responsible for payment of service fees for false alarm notifications emitted from unoccupied units or where no permit has been obtained by the tenant. In such instances the alarm administrator or designee shall notify master permit holders as to:

- (1) The date of the signaling of the false alarm;
- (2) The address of the multi-unit housing facility where the signaling of the false alarm occurred; and
- (3) The identification of the individual facility, if applicable, located on the multi-unit housing facility premises where the signaling of the false alarm occurred.

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

Sec. 4.03.043 Application; transfer; term

(a) An application for a permit shall be made by a person who owns, leases, resides at, or manages the alarm site.

(b) The application and the required fee, as provided for in the fee schedule in appendix A of this code, shall be submitted to the police department on a form provided by the department. Any false statement made by an applicant shall be investigated as a violation of Texas Penal Code section 37.10, "Tampering with Governmental Record," a third degree felony.

(c) An alarm permit is issued to an individual or corporate entity and is nontransferable and nonrefundable unless such permit is purchased as set forth herein.

(d) The date of issuance will be the date the application is processed.

(e) A permit shall issue for a one-year period.

Sec. 4.03.044 Grounds for denial

A permit may be denied for:

- (1) Any false statement on the application;

- (2) Any false statement by the applicant in connection with the application; or
- (3) An applicant has failed to pay a service fee assessed under this article, or has had an alarm site [permit] revoked, and the violation causing the revocation has not been corrected.

Sec. 4.03.045 Renewal

An application to renew a permit must be submitted one month prior to the end of the term of the permit. The application must include the completed application for renewal and appropriate fees. A late fee, as provided for in the fee schedule found in appendix A of this code, will be assessed. Permit holders not applying for renewal will be provided 30 days' notice of nonrenewal of such permit prior to termination of the permit. The term of the renewal is one year.

Sec. 4.03.046 Revocation

The chief of police shall have the authority to revoke an alarm permit if he determines that:

- (1) There was a false statement made in the application for a permit.
- (2) Any false oral statement was made by the applicant in connection with the permit application.
- (3) The permit holder has habitually violated the provisions of this article.
- (4) The permit holder has failed to make payment of any fees assessed under this article.
- (5) The permit holder does not maintain the alarm system in a manner that minimizes false alarm notifications or ensures proper operation of the alarm system and such actions result in ten (10) or more false alarms in the preceding 12-month period.
- (6) All actions under this section for revocation of permits shall include a 30-day notice of the city's intent to revoke before action is taken.

Sec. 4.03.047 Appeals

(a) If the chief of police refuses to issue a permit or revokes a permit, the chief shall notify the applicant or holder by certified mail, return receipt requested. The applicant or holder may appeal the decision by filing a notice of appeal with the City Secretary. This notice setting forth the reasons for appeal must be received within ten (10) calendar days of the date of receipt of the notice of revocation. The receipt of the notice of appeal will stay the revocation of the permit. If the notice of appeal is not timely filed, the revocation is final.

(b) The city manager or designee will serve as the hearing officer to hear the appeal. At the hearing, the formal rules of evidence do not apply. The hearing officer shall make his decision on the basis of a preponderance of the evidence presented. The hearing officer must render a decision within sixty (60) days after the appeal is filed. The hearing officer may affirm, reverse, or modify the action of the chief. The decision of the hearing officer is final.

Sec. 4.03.048 Reinstatement

A permit may be reinstated by the chief of police when the revoked permit holder pays the application fee, as well as any fines or late fees, and shows that:

- (1) The fees required under this article have been paid or otherwise resolved;
- (2) The alarm system is operated in accordance with the requirements of this article by submitting a certificate from an Alarm Installation Company, stating that the alarm has been inspected and repaired or upgraded (if necessary) and the owner has been afforded proper training on the use and operation of the alarm; and
- (3) A current application is submitted.

Section 3. Amendment of Appendix A, Fees, Section A4.001 “Alarm System Fees”. The Code Appendix A is hereby amended by modifying section A4.001 to read as follows:

Sec. A4.001 Alarm system fees

(a) False alarm service fees.

(1) The holder of an alarm permit shall pay a service fee of Seventy-five Dollars (\$75.00) if the permitted alarm site has had in excess of five but fewer than eight false alarms within the preceding 12-month period or One Hundred Dollars (\$100.00) if the site has had in excess of seven (7) false alarms within the preceding 12-month period.

(2) For any alarm notification for which a service fee is assessed, the chief of police has the authority to investigate the circumstances of the alarm, and may waive the payment of the fee. Police responses to alarm calls for service in excess of thirty (30) minutes response time shall not result in a false alarm incident for the purposes of assessing service fees.

(b) Permit fees.

(1) Permit application.

(A) An application for a permit shall be made by a person who owns, leases, resides at, or manages the alarm site.

(B) The application and the required fee of Thirty Dollars (\$30.00) shall be submitted to the police department on a form provided by the department. Any false statement made by an applicant shall be investigated as a violation of Texas Penal Code section 37.10, "Tampering with Governmental Record," a third degree felony.

(C) An alarm permit is issued to an individual or corporate entity and is nontransferable and nonrefundable.

(D) The date of issuance will be the date the application is processed.

(E) A permit shall issue for a one-year period.

(2) Permit renewal and term; late fee. An application to renew a permit must be submitted one month prior to the end of the term of the permit. The application must include the completed application for renewal and appropriate fees as described in the original application process in subsection (a)(2) above except that the renewal fee shall be Thirty Dollars (\$30.00) per year after the year of the initial application. A late fee of Five Dollars (\$5.00) will be assessed for untimely renewal applications. Permit holders not applying for renewal will be provided thirty (30) days' notice of nonrenewal of such permit prior to termination of the permit. The term of the renewal is one year.

Section 4. Amendment of Ordinances. Article 4.003, and Appendix A, Section A4.001 are hereby amended as indicated herein and all ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the city, the terms and provisions of this ordinance shall govern.

Section 5. Effective Date. This Ordinance shall be in full force and effect immediately upon its passage and publication in the manner required by the Texas Local Government Code and the City's Charter.

Section 6. Severability. 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 sections, paragraphs, sentences, clauses and phrases of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses and phrases of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this Ordinance any such invalid section, paragraph, sentence, clause or phrase.

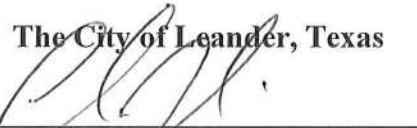
If any provision of the Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

Section 7. Open Meetings. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

PASSED AND APPROVED on this the 5th day of June, 2014.

ATTEST:


Debbie Haile, City Secretary

The City of Leander, Texas

Christopher Fielder, Mayor

