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ORDINANCE NO. 2443-9-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE CODE OF ORDINANCES BY REPEALING ARTICLE IV OF CHAPTER 8 "ALARM SYSTEMS" AND REPLACING THE SAME WITH A NEW ARTICLE IV TO PROVIDE REGULATIONS FOR ALARM SYSTEMS; BY ESTABLISHING PERMIT FEES AND SERVICES CHARGES; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, THAT:

SECTION 1. The Code of Ordinances of the City of Allen, Texas, be and the same is hereby amended by repealing Article IV of Chapter 8 in its entirety and replacing the same with a new Article IV to read as follows:

"ARTICLE IV. ALARM SYSTEMS

**Section 8-96. Definitions.**

The following words and terms, as used herein, shall have the meaning respectively ascribed to them, as follows:

*Alarm Actuating Device* means a device that is designed to respond either manually or automatically to smoke, fire, or activation of a fire extinguishing system.

*Alarm Site* means a single location or premises served by an alarm system or that are under the control of one (1) person.

*Alarm System* means a device or system which transmits a signal which summons an emergency service of the City. The categories of alarm systems are robbery, burglary, fire, emergency medical assistance and emergency assistance. Alarm system does not include:

- (1) An alarm installed on a vehicle unless installed at a permanent site, or such vehicle is used for habitation;
- (2) An alarm designed to alert only the inhabitants of a premise and the alarm system does not omit a signal that is audible or visible outside the premise that it is installed upon; nor
- (3) An alarm installed upon the premises occupied by the City.

*Alarm Systems Company* means any person or company that sells, installs, services, monitors, or responds to burglar alarm signal devices, burglar alarms, television cameras, still cameras or any other electrical, mechanical, or electronic device used (a) to prevent or detect burglary, theft, shoplifting pilferage, or other losses of that type; (b) to prevent or detect intrusion; or (c) primarily to detect and summon aid for other emergencies and include persons relaying alarm notifications.

Alarm User means the person, firm, partnership, associations, corporation, company or organization of any kind which owns, controls or occupies any building, structure, facility or vehicle used for habitation wherein an alarm system is maintained.

Automatic Dialing Device means an alarm system device which is interconnected to a telephone line and is programmed to select a predetermined telephone number and transmit by voice message or code signal an emergency message indicating a need for emergency response.

Burglar Alarm Notification means a notification which summons the police, which is initiated or triggered by an alarm system designed to respond to a stimulus characteristic of unauthorized intrusion.

Business Owner means the business owner of a retail establishment or commercial establishment or manager on duty.

City means the City of Allen, Texas.

Chief of Police means the Chief of Police or designee.

Emergency Assistance Alarm means any automatic notification system other than those defined herein which summons emergency assistance from the City.

Emergency Medical Assistance Alarm Notification means an alarm system which summons emergency medical assistance.

False Burglar Alarm Notification means an alarm signal, eliciting a response by police within 30 minutes of the alarm notification and the police determine from an inspection of the interior or exterior of the premises that the alarm was false.

False Emergency Medical Assistance Alarm/Personal Distress/Panic Alarm Notification means an emergency assistance alarm notification to the emergency personnel, when the responding emergency personnel find no evidence of a need for emergency assistance.

False Fire Alarm Notification means a fire alarm notification to the fire department, when the responding fire department personnel find no evidence of smoke or fire having occurred.

False Robbery Alarm Notification means a robbery alarm notification to the police, when the responding police officer reasonably finds there is no evidence of a robbery.

Fire Alarm Notification means a notification intended to summon firefighting forces, that is indicated or triggered manually or automatically by an alarm system designed to react to any of the visual or physical characteristics of fire.

Fire Marshal means the Fire Marshal or designee.

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

Occupant means the person responsible for having the alarm system installed or activated.

Permit Holder means the person designated in the permit application who is responsible for responding to alarms and giving access to the site and who is also responsible for proper maintenance and operation of the alarm system and payment of fees and fines assessed under this Article.

- c. charge for each false alarm if the location has had eight (8) or more false alarms in the preceding 12-month period..... \$100.00
- (6) False Emergency Assistance/Personal Distress/Panic Alarm
  - a. charge for each false alarm over three (3) but not more than five (5) other false alarms during the preceding 12-month period..... \$50.00
  - b. charge for each false alarm over five (5) but not more than eight (8) other false alarms during the preceding 12-month period..... \$75.00
  - c. charge for each false alarm if the location has had eight (8) or more false alarms in the preceding 12-month period..... \$100.00
- (7) Permit reinstatement fee ..... \$100.00

**SECTION 2.** All provisions of the resolutions of the City of Allen, Texas, in conflict with the provisions of this resolution be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this resolution shall remain in full force and effect.

**SECTION 3.** Should any word, sentence, paragraph, subdivision, clause, phrase or section of this resolution, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said resolution which shall remain in full force and effect.

**SECTION 4.** This resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Allen, and it is accordingly so resolved.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ON THIS THE 27<sup>TH</sup> DAY OF SEPTEMBER, 2005.**

**APPROVED:**



Stephen Terrell, MAYOR

**ATTEST:**



Shelley B. George, PRMC, CITY SECRETARY

**RESOLUTION NO. 2444-9-05(R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ESTABLISHING ALARM PERMIT FEES AND OTHER FEES ASSOCIATED WITH ALARM SYSTEMS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND AN EFFECTIVE DATE.**

**WHEREAS**, the Code of Ordinances of the City of Allen authorizes the City Council to establish fees for alarm systems by resolution.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, THAT:**

**SECTION 1.** The City Council of the City of Allen, Texas, hereby establishes the following alarm system fees:

**Alarm Fees**

- (1) Annual Alarm System Permit Fee ..... \$50.00
- (2) False Burglar Alarm Service Charge: .....
  - a. charge for each false alarm over three (3) but not more than five (5) other false alarms during the preceding 12-month period..... \$50.00
  - b. charge for each false alarm over five (5) but not more than eight (8) other false alarms during the preceding 12-month period..... \$75.00
  - c. charge for each false alarm if the location has had eight (8) or more false alarms in the preceding 12-month period ..... \$100.00
- (3) False Fire Alarm
  - a. charge for each false alarm over three (3) but not more than five (5) other false alarms during the preceding 12-month period..... \$50.00
  - b. charge for each false alarm over five (5) but not more than eight (8) other false alarms during the preceding 12-month period..... \$75.00
  - c. charge for each false alarm if the location has had eight (8) or more false alarms in the preceding 12-month period..... \$100.00
- (4) False Robbery Alarm..... \$100.00
- (5) False Medical Assistance Alarm
  - a. charge for each false alarm over three (3) but not more than five (5) other false alarms during the preceding 12-month period..... \$50.00
  - b. charge for each false alarm over five (5) but not more than eight (8) other false alarms during the preceding 12-month period..... \$75.00

Permit Reinstatement Fee means a fee to be paid prior to having an alarm permit reinstated. The fee shall be established by City Council resolution.

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

Robbery Alarm Notification means a notification intended to summon the police when a robbery occurs by means of an alarm system designed to be purposely activated by a human.

**Section 8-97. Permits required; Applications; Fees; False Statements**

- (a) A person commits an offense if the person activates, operates or causes to be operated an alarm system without first obtaining a permit from the Chief of Police, or while the permit has been suspended.
- (b) Any person using an alarm system shall pay such permit fees, renewal fees, and service fees as provided for in the fee schedule which is adopted by resolution of the City Council.
- (c) A permit shall only be issued to the resident of a single family dwelling; the tenant occupying the unit of a multi-family complex; and the Business Owner of any retail or commercial establishment.
- (d) Contents of Application. Each permit application shall contain the name, address, and telephone number of the person who is responsible for the proper maintenance and operation of the alarm system and payment of fees or charges levied under this Article. The permit application shall contain the names and phone numbers (home and business) of two (2) people that when notified by the police or fire department will come to the alarm site within 30 minutes if requested, to terminate the alarm signal and secure the property. Application for a permit 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 after being notified.
- (e) False Statements. Means any false statement or misrepresentation of a material fact made by an applicant for the purpose of obtaining an alarm permit or renewal, or for the purpose of making a change thereto, shall be sufficient cause for refusal to grant or suspend a permit.
- (f) Upon receipt of a completed application form and the required permit fee, the Chief of Police shall issue an alarm permit to an applicant unless the applicant has:
  - (1) Failed to pay a late fee, service fee and/or fines assessed under this Article for which a bill has been issued; or
  - (2) Had an alarm permit for the alarm site revoked.
- (g) An alarm permit is issued to a specific individual and a specific address. An alarm permit cannot be transferred to another person or another address. However, the individual designated to respond to an alarm or relay an alarm can be changed. A Permit Holder must inform the City of any changes that alters information listed on the permit application. No fee will be assessed for such changes.
- (h) All fees owed by an applicant for which a bill has been issued must be paid before a permit may be issued.
- (i) Failure of the Alarm User to renew an alarm permit by the expiration date shall be considered as not having a valid permit.

#### **Section 8-98. Alarm Systems in Apartment Complexes**

- (a) If the individual tenant, owner or property manager of an apartment complex installs an alarm system or has an alarm system monitored in the tenant's residential unit on the premises, the tenant must provide to the alarm company monitoring the alarm system the name of a representative of the owner or property manager of the apartment complex who has keys to the tenant's residential unit.
- (b) Each tenant shall obtain a permit from the Chief of Police before operating or causing the operation of the alarm system.
- (c) For purposes of assessing service fees and enforcing this Article against an individual residential unit, the tenant is responsible for payment of service fees for false alarm notification emitted from the alarm system in the tenant's residential unit.
- (d) The owner or property manager of an apartment complex shall obtain a separate alarm permit for any alarm system operated in a non-residential area of the apartment complex, including, but not limited to, common tenant areas and office, storage, and equipment areas.

#### **Section 8-99. Permit Duration and Renewal**

A permit expires one year from the date of issuance and must be renewed annually by submitting an updated application and a permit renewal fee to the Chief of Police. It is the responsibility of the Permit Holder to submit an application prior to the permit expiration date. All service fees and late fees assessed under this Article must be paid prior to renewal of the permit. The Chief of Police shall provide 30 days prior notice to the Permit Holder before terminating a permit for no renewal.

#### **Section 8-100. Responsibilities of Permit Holders**

- (a) A Permit Holder in control of an alarm system shall:
  - (1) Adjust or modify the sensory mechanism of the alarm system to suppress false indications of force so that the alarm system will not be activated by impulses due to:
    - (a) Transient pressure changes in water pipes;
    - (b) Flashes of light;
    - (c) Wind noise caused by the rattling or vibrating of doors or windows;
    - (d) Vehicular noise adjacent to the installation; or
    - (e) Other forces unrelated to actual emergencies.
  - (2) Maintain the alarm system in a manner that will minimize false alarm notifications;
  - (3) Respond or cause a representative to respond within 30 minutes when notified by the City to repair or inactivate a malfunctioning alarm system, to provide access to the premises to provide security for the premises;
  - (4) Not manually activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report; and
  - (5) Notify the Chief of Police in writing of the date a permit is to be cancelled or that the permit will not be renewed. The notification must include the date the document was signed and signature of the Permit Holder. The City must receive the cancellation or non-renewal notice in writing no later than fifteen (15) days before the permit expiration date.

- (b) If a Permit Holder or an emergency contact person is contacted to inspect an unsecured building or residence and fails to respond to the alarm site in the allowed time of 30 minutes to secure the building or residence, a fee of \$50 will be charged to the Permit Holder if the City representatives have to secure the premises. The City is not responsible for loss or damage.

#### **Section 8-101. Duties of Alarm System Company**

Any alarm company engaged in the business of monitoring alarm systems shall:

- (a) On the installation or activation of an alarm system, distribute to the occupant of the alarm system location the following information:
- (1) A copy of this Article;
  - (2) Information on how to prevent false alarms; and
  - (3) Information on how to operate the alarm system.
- (b) Report alarm signals only by using telephone numbers designated by the Chief of Police;
- (c) Before requesting police response to an alarm signal, attempt to verify every alarm signal, except a duress or robbery alarm activation, by a telephone call to the alarm site;
- (d) Communicate alarm notifications to the City in a manner and form determined by the Chief of Police; and
- (e) On a monthly basis provide to the Chief of Police a report which contains the name, address, telephone number, and date of activation of all current subscribers within the City.

#### **Section 8-102. Manual Reset Required**

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

#### **Section 8-103. Reporting of Alarm Signals**

A Permit Holder or person in control of an alarm system shall not allow alarm signals to be reported through a relaying intermediary that does not comply with the requirements of this Article and any rules and regulations promulgated by the Chief of Police or designee or that is not licensed by the Texas Board of Private Investigators and Private Security Agencies, or the Texas Commission on Fire Protection, as the case may be.

#### **Section 8-104. Fees**

A Permit Holder must pay any service fees as assessed under the provisions of this Article within thirty (30) days after receiving notification from the City that a service fee has been assessed. If the assessed fees become ninety (90) days delinquent, a 10% late charge will be added.

- (1) **Burglar Alarms.** A Permit Holder will be assessed a fee established by resolution of the City Council from time to time for the signaling of a false alarm by a burglar alarm system in excess of three (3) false alarms which have occurred during the previous twelve-month period at the alarm site.

- (2) **Fire Alarms.** A Permit Holder will be assessed a fee established by resolution of the City Council from time to time for the signaling of a false alarm by a fire alarm system in excess of three (3) false alarms which have occurred during the previous twelve-month period at the alarm site.
- (3) **Robbery Alarms.** A Permit Holder will be assessed a fee established by resolution of the City Council from time to time for the signaling of a false alarm by a robbery alarm system in excess of three (3) false alarms which have occurred during the previous twelve-month period at the alarm site.
- (4) **Emergency Medical Assistance Alarms.** A Permit Holder will be assessed a fee established by resolution of the City Council from time to time for the signaling of a false alarm by a medical assistance alarm system in excess of three (3) false alarms which have occurred during the previous twelve-month period at the alarm site.
- (5) **Emergency Assistance/Personal Distress/Panic Alarm.** A Permit Holder will be assessed a fee established by resolution of the City Council from time to time for the signaling of a false alarm by an emergency assistance/personal distress or panic alarm system in excess of three (3) false alarms which have occurred during the previous twelve-month period at the alarm site.

#### **Section 8-105. Revocation of an Alarm Permit**

- (a) The Chief of Police may revoke an alarm permit if:
  - (1) The Permit Holder has eight or more false alarms during the preceding twelve-month period;
  - (2) There is a false statement of a material matter in the application for a permit;
  - (3) The Permit Holder has failed to pay a late fee and/or service fee assessed under this Article within 30 days after a bill for the assessment was issued; or
  - (4) The Permit Holder has violated Section 8-100; 8-103; 8-104.
- (b) A person commits an offense if he operates an alarm system during the period in which the alarm permit has been suspended or is revoked.

#### **Section 8-106. Reinstatement of Permit**

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

- (1) Submits an updated application and pays a reinstatement fee, established by resolution of the City Council;
- (2) Pays or otherwise resolves, all citations in municipal court issued to the person under this Article;
- (3) Pays all outstanding late fees and/or service fees assessed under this Article for which a bill has been issued; and
- (4) Submits documentation to the Chief of Police stating that the Permit Holder has performed all necessary repairs or adjustments required by the City, and has complied with all provisions of this article.



### **Section 8-107. System Performance Reviews**

If there is reason to believe that an alarm system is not being used or maintained in a manner that ensures proper operation and suppresses false alarms, the Chief of Police may require a conference with an alarm Permit Holder and the alarm company responsible for maintenance of the alarm system, and the Fire Marshal, to review the circumstances of each false alarm.

### **Section 8-108. Protection of Financial Institution**

- (a) A financial institution required to have an alarm system pursuant to the provisions of the Bank Protection Act of 1968 (12 U.S.C., Section 1882) may install, with the permission of the Chief of Police, a signal line directly to the police department for the purpose of reporting burglaries and robberies. If such an arrangement is made, all other requirements of this chapter must be met. The financial institutions shall execute a letter of agreement with the City permitting the installation of all necessary equipment on an indicator panel monitored in the communications division of the police department. The installation must be accomplished at the institution's expense.
- (b) The financial institution shall pay an annual fee as provided in the fee schedule which is adopted by resolution of the City Council for each indicator. The Chief of Police or designee shall have the right, at reasonable times and upon oral notice, to inspect the alarm system at the alarm site and require necessary repairs or improvements. If the Chief of Police finds that the alarm system continually fails to operate properly or be operated properly, the Chief of Police or designee may terminate the privilege to have equipment and indicators in the communications center of the police department and require prompt removal of the equipment at the expense of the financial institution.
- (c) The financial institution, at its expense, shall make arrangements to provide service for the alarm system at the request of the financial institution or the Chief of Police on a 24-hour basis, seven days a week. In no event may the City become liable for charges for repairs and maintenance.
- (d) The financial institution may cancel its agreement with the City at any time by giving the City written notice through the City Manager, and at its own expense, remove its equipment and indicators from the monitoring panel in the communications center.
- (e) The Chief of Police may require any change, modernization, or consolidation of alarm signaling equipment that the Chief of Police deems advisable. In no event may the City become liable for charges for these changes.
- (f) Instead of a direct line, a financial institution may report burglaries and robberies by transmission through an alarm responding service using a special trunkline designated by the Chief of Police.

### **Section 8-109. Automatic Dialing Device**

It is unlawful for any person to program an automatic dialing device to select a primary telephone line belonging to the City and it is unlawful for an Alarm User to fail to disconnect or re-program an automatic dialing device which is programmed to select a primary telephone line belonging to the City within 12 hours of receipt of written notice from the Chief of Police.

### **Section 8-110. Confidentiality**

All information submitted in compliance with this Article shall be deemed confidential and not subject to public disclosure unless required by law.

**Secs. 8-111 – 8-120. Reserved.”**

**SECTION 2.** Should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance, or of the Code of Ordinances, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance or the Code of Ordinances, as amended hereby, which shall remain in full force and effect.

**SECTION 3.** All ordinances of the City of Allen, Collin County, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed; provided, however, that all other provisions of said ordinances not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 4.** Any person, firm or corporation that violates any of the provisions or terms of this ordinance shall be subject to penalty and upon conviction shall be punished by a fine not to exceed two thousand dollars (\$2,000).

**SECTION 5.** An offense committed before the effective date of this ordinance is governed by prior law and the Code of Ordinances of the City of Allen, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

**SECTION 6.** This ordinance shall take effect immediately from and after its passage and publication as required by law.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ON THIS THE 27<sup>TH</sup> DAY OF SEPTEMBER, 2005.**

**APPROVED:**

  
\_\_\_\_\_  
Stephen Terrell, MAYOR

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Peter G. Smith, CITY ATTORNEY

**ATTEST:**

  
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Shelley B. George, TRMC, CITY SECRETARY