

ARTICLE II. ALARM SYSTEMS*

***State law references:** Burglar alarm systems, V.T.C.A., Local Government Code § 214.191 et seq.; duration of municipal permit, V.T.C.A., Local Government Code § 213.193; maximum \$50.00 fee for annual municipal permit, V.T.C.A., Local Government Code § 213.194; local governments cannot enact ordinances inconsistent with state law regarding fire alarm systems, V.A.T.S. Insurance Code, Art. 5.43-2, Sec. 3(a); license holders for emergency alarm systems installation and operation, exempt from certain local regulations, V.T.C.A., Occupations Code § 1702.134; municipality may charge reasonable inspection fees for device causing five false alarms in 12-month period, V.T.C.A., Occupations Code § 1702.134(2)(c).

Sec. 26-19. 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 a different meaning:

Alarm notification means a notification intended to summon emergency service personnel of the city, which is designed either to be initiated purposely by a person or by an alarm system that responds to a stimulus characteristic of fire or unauthorized intrusion.

Alarm site means a single premises or location (one street address) served by an alarm system that is under the control of one owner or tenant.

Alarm system means a device or system that emits, transmits or relays a signal intended to summon an emergency service of the city, including, but not limited to, local alarms. An alarm system does not include:

- (1) An alarm installed on a motor vehicle unless installed at a permanent site.
- (2) An alarm system designed to alert only the inhabitants within a premises.
- (3) An alarm system that has been disabled and does not have the ability to send an alarm notification to emergency service personnel.

Director means the chief of police or fire department of the city or the director's authorized representative.

False alarm notification means an alarm notification to an emergency service department where an agency of the city responds within 30 minutes of the alarm notification and determines from an inspection of the interior or exterior of the premises that there was no evidence of actual or attempted intrusion, fire or threat to life, as the case may be.

Local alarm means an alarm system which emits a signal at an alarm site that is audible or visible from the exterior of a structure and has as its purpose the summoning of aid from a city department.

Permit means a certificate, license, permit or other form of permission that authorizes a person to engage in an action.

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

Town means the Town of Little Elm.
(Ord. No. 605, § 1, 9-2-2003; Ord. No. 730, § 1, 10-4-2005)

Sec. 26-20. Permit required; application; issuance.

(a) A person commits an offense if he operates or causes to be operated an alarm system without first obtaining a valid permit issued by the director for such system. This requirement is applicable to the person responsible for the management and control of the property which the alarm system is designed to protect.

(b) An alarm system user or his agent shall obtain a permit for each alarm site within 30 days after the effective date.

(c) Application for a permit under the provisions of this article constitutes a grant of approval for members of the police department to conduct a search for intruders or the fire department to conduct a search for injured or ill persons on the interior of any building on the alarm site found to be unsecured when responding to the alarm site as a result of an alarm notification.

(d) Upon receipt of a completed application form, the director shall issue a permit to the applicant unless the applicant has failed to pay a fee assessed under section 26-29 or has had a permit for the alarm site revoked, and the violation causing revocation has not been corrected.

(e) Each permit application must contain the following information:

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

(2) The street address of the property on which the alarm system is to be installed and operated;

(3) Classification of the alarm site as either residential or commercial;

(4) Any business name or title used for the premises on which the alarm system is to be installed and operated;

(5) The name of one other person who will respond to an alarm in the event the permit holder is unavailable;

(6) Name, address and phone number of the entity that monitors the alarm system; and

(7) Any other information required by the director which is necessary for the enforcement of this article.

(f) Any false statement of a material matter made by the applicant for the purpose of obtaining an alarm permit shall be sufficient cause for refusal to issue a permit and/or for revocation of a permit already issued.

(g) A permit shall not be transferred to another person. A permit holder shall inform the director of any change that alters any information listed on the permit application within five days of the occurrence of the change. A fee shall not be assessed for such changes.

(h) The fee for a permit issued pursuant to this article shall be \$25.00 per year for residences and businesses. Notwithstanding the foregoing, in the event a permit holder experiences excessive false alarms as set forth in section 22-29, a renewal fee of \$50.00 shall be assessed on all future renewals following such 12-month period.

(Ord. No. 605, § 2, 9-2-2003; Ord. No. 730, § 2, 10-4-2005)

Sec. 26-21. Permit duration and renewal.

A permit is valid from the date of issuance for one year, upon receipt of the annual fee. A permit will be automatically renewed for a period of one year upon receipt of the annual fee unless revoked by the chief or cancelled by the permit holder.

(Ord. No. 605, § 3, 9-2-2003; Ord. No. 730, § 3, 10-4-2005)

Sec. 26-22. Proper alarm system operation and maintenance.

(a) A permit holder or alarm system user 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 a reasonable period of time when notified by the city to repair or inactivate a malfunctioning alarm system and to provide access to the premises or to provide security for the premises. A permit holder may present extenuating circumstances regarding the reasonableness of his response time at any administrative hearing under this article.

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

(b) A permit holder or person in control of an alarm system shall adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal will sound for no longer than 15 minutes after being activated.

(c) A permit holder or person in control of an alarm system shall maintain at each alarm site a complete set of written operating instructions for each alarm system. Special codes, combinations, or passwords shall not be included in these instructions.

(d) A permit holder or person in control of an alarm system which has an automatic resetting device and which system causes three or more alarms within a 24-hour period, shall manually reset the system.

(Ord. No. 605, § 4, 9-2-2003; Ord. No. 730, § 4, 10-4-2005)

Sec. 26-23. Authority of the director to disable alarm systems.

The director may take all necessary measures to disable any malfunctioning alarm system within the city. The director shall not be liable for any damages to property if such alarm is disabled.

(Ord. No. 605, § 5, 9-2-2003; Ord. No. 730, § 5, 10-4-2005)

Sec. 26-24. Reporting of alarm signals by permit holder.

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, or is not licensed by the state board of private investigators and private security agencies.

(Ord. No. 605, § 6, 9-2-2003; Ord. No. 730, § 6, 10-4-2005)

Sec. 26-25. Alarm reporting.

A person who is engaged in the business of relaying alarm notifications to the city shall:

(1) Make notification by a human operator. The reporting of alarms by means of a recorded message is prohibited.

(2) Communicate alarm notifications to the city in a manner and form designated by the director.

(Ord. No. 605, § 7, 9-2-2003; Ord. No. 730, § 7, 10-4-2005)

Sec. 26-26. Automatic dialing prohibited.

No person shall operate or cause to be operated any automatic dialing device which, when activated, uses a telephone device or attachment to automatically select a telephone line leading into an emergency services department and then transmit any prerecorded message or signal.

(Ord. No. 605, § 8, 9-2-2003; Ord. No. 730, § 8, 10-4-2005)

Sec. 26-27. Alarm dispatch records.

Emergency personnel responding to a dispatch resulting from an alarm system notification shall record such information as necessary to permit the director to maintain appropriate records.

(Ord. No. 605, § 9, 9-2-2003; Ord. No. 730, § 9, 10-4-2005)

Sec. 26-28. Excessive false alarms.

(a) The holder of a permit shall pay a fine of:

(1) Fifty dollars if the location has had more than three but fewer than six other false alarm notifications in the preceding 12-month period;

(2) Seventy five dollars if the location has had more than five but fewer than eight other false alarm notifications in the preceding 12-month period; or

(3) One hundred dollars if the location has had eight or more other false alarm notifications in the preceding 12-month period.

(b) A permit holder shall pay assessed fees for any false alarm notification within ten days after notification by certified mail that such fees have been assessed. Failure to pay fees may result in a citation being issued for each false alarm thereafter or revocation of the alarm permit. A certified letter will be sent to homeowner for every false alarm with fees assessed until the annual renewal.

(Ord. No. 605, § 11, 9-2-2003; Ord. No. 730, § 10, 10-4-2005)

Sec. 26-29. Revocation of permit; appeal; forfeiture of fees; reapplication.

(a) Revocation. The director may revoke a permit if determined that:

(1) There is any violation of this article;

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

(3) An alarm system has generated in excess of eight false alarms during any 12-month period; or

(4) The permit holder has failed to make payment of any fee assessed under section 26-28 within 30 days of the assessment.

(b) Appeal of denial or revocation of a permit:

(1) If the director refuses to issue or renew a permit, or revokes a permit, he shall send to the applicant or permit holder by certified mail, return receipt requested, written notice of his action and a statement of the right to an appeal. The applicant or permit holder may appeal the decision of the director to the city manager by filing with the city manager a written request for a hearing setting forth the reason for the appeal, within ten days after receipt of the notice of the director. The filing of a request for an appeal hearing with the city manager stays the action of the director to the denial of a permit or the revocation of a permit until the city manager makes a final decision. If a request for an appeal hearing is not made within the ten-day period, the action of the director is final.

(2) The city manager 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, but the hearing officer shall make his decision on the basis of a preponderance of the evidence presented. A decision shall be made within 30 days after the request for an appeal hearing is filed. The hearing officer shall affirm, reverse, or modify the action of the director. The decision of the hearing officer is final as to administrative remedies within the city.

(3) In addition to prohibiting or requiring certain conduct of individuals, it is the intent of this article to hold a corporation, partnership, or other associations responsible

for acts or omissions performed by an agent acting in behalf of the corporation, partnership, or other association, within the scope of this employment.

(c) Forfeiture of application fee upon revocation of permit. When the revocation of a permit is final, all permit fees shall be forfeited.

(d) Reapplication for permit after revocation.

(1) Should an alarm system user or the user's agent, after final permit revocation, desire to reapply for a permit, the user shall be required to submit a new permit application, including required permit fees.

(2) The applicant shall also submit satisfactory proof of ability to comply with this article.

(Ord. No. 605, § 12, 9-2-2003; Ord. No. 730, § 11, 10-4-2005)

Sec. 26-30. Confidentiality of information.

All information provided by a permit holder pursuant to this article shall be confidential pursuant to the V.T.C.A., Government Code ch. 552 and V.T.C.A., Occupations Code § 1702.284, to the extent allowed by law, and shall be utilized solely for law enforcement purposes. However, the information shall be available to the permit holder.

(Ord. No. 605, § 13, 9-2-2003; Ord. No. 730, § 12, 10-4-2005)

Sec. 26-31. Penalties.

(a) It shall be unlawful to operate an alarm system during the period in which an alarm permit is revoked. Each day, or part thereof, of such operation shall constitute a separate offense.

(b) It shall be unlawful for any person to operate an alarm system without a permit or in violation of any provision of this article. Each day, or part thereof, of such operation shall constitute a separate offense.

(c) Any person in violation of any provision of this article shall, upon conviction, be subject to a fine not to exceed \$500.00 for each offense.

(Ord. No. 605, § 14, 9-2-2003; Ord. No. 730, § 13, 10-4-2005)

Sec. 26-32. Implementation.

(a) This article shall be enforced and shall apply to all alarm systems in the town from and after October 4, 2005.

(b) Any person who has an alarm system on his property on the effective date of this article shall have 60 days from said date to comply with the terms and provisions herein.

(Ord. No. 605, § 15, 9-2-2003; Ord. No. 730, § 14, 10-4-2005)

Secs. 26-33--26-52. Reserved.