Secs. 30-2—30-25. Reserved.

ARTICLE II. ALARM SYSTEMS[1]

Sec. 30-26. Definitions.

In this article 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 administrator means a person, or persons, designated by the appointing authority to administer, control and review false alarm reduction efforts and administers the provisions of this chapter.

Alarm dispatch request means a notification to the city that an alarm has been activated at a particular alarm site and that city emergency service is requested.

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.

Alarm permit means authorization granted by the alarm administrator to an alarm user to operate an alarm system.

Alarm permit application means the written application for and alarm permit filed by an alarm user with the alarm administrator.

Alarm site means a single fixed premises or location served by an alarm system or systems. Each unit, if served by a separate alarm system in a multi-unit building or complex, shall be considered a separate alarm site, and is further defined by the following categories:

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

(b) *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.

(c) *Financial site* means every premises or location of a financial institution which is required to have an alarm system pursuant to the Bank Protection Act of 1968 (12 U.S.C. §1882).

(d) *Educational/government site* means every premises or location of a public or private school or school administrative office and every premises or location of any federal, state, county or municipal governmental office.

Alarm system means a device or series of devices, including, but not limited to, hardwired systems and systems interconnected with a radio frequency method such as cellular or private radio signals, which emit or transmit a remote or local audible, visual or electronic signal indicating an alarm condition and intended to

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[1]Editor's note(s)—Ord. No. 09-03, § 1, adopted Feb. 17, 2009, deleted Art. II, §§ 30-26—30-140 and enacted new Art. II, §§ 30-26—30-38 to read as set out herein. Former Art. II, §§ 30-26—30-140, pertained to similar matter and derived from Code 1993, §§ 8-81—8-175; Ord. No. 97-06, § 1, adopted June 3, 1997; Ord. No. 01-13, §§ 1—10, adopted Apr. 3, 2001.

State law reference(s)—Burglar alarm systems, V.T.C.A., Local Government Code § 214.001 et seq.

summon a city emergency service response, including local alarm systems. Alarm system does not include an alarm installed in a vehicle or on someone's person unless the vehicle or the personal alarm is permanently located at a site.

Alarm user means any person who (which) owns or operates an alarm system at an alarm site.

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

Automatic voice dialer 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 a city emergency service requesting dispatch.

Cancellation means the process where response is terminated when a monitoring company (designated by the alarm user) for the alarm site notifies the responding city emergency service that there is not an existing situation at the alarm site requiring a response after an alarm dispatch request.

City means the City of Webster, Texas.

City emergency service means any emergency service provided by the city, including police, fire, and emergency medical services.

City manager means the city manager of the City of Webster, Texas, or the city managers designee.

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 law enforcement response.

False alarm means an alarm dispatch request that has generated a city emergency service response, which is canceled, or when no emergency condition is found at the alarm site.

Holdup alarm means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress.

Local alarm system means any alarm system, which is not monitored, that emits an audible alarm only at the alarm site.

Monitoring means the process by which a monitoring company receives signals from an alarm system and relays an alarm dispatch request to the municipality for the purpose of summoning city emergency services to the alarm site.

Monitoring company means a person in the business of providing monitoring services.

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 emergency response.

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

Responder means an individual capable of reaching the alarm site within 30 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".

Transfer 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.

Verify means an attempt by the monitoring company, or its representative, to contact the alarm site and/or alarm user by telephone and/or other electronic means, whether or not actual contact with a person is made, to determine whether an alarm signal is valid before requesting city emergency service dispatch, in an attempt to avoid an unnecessary alarm dispatch request. For the purpose of this article, telephone verification shall require, as a minimum that a second call be made to a different number if the first attempt fails to reach an alarm user who can properly identify themselves to determine whether an alarm signal is valid before requesting an emergency response.

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

(Ord. No. 09-03, § 1, 2-17-09)

Sec. 30-27. Permit required; application: fee; transferability; false statements.

(a) No alarm user shall operate, or cause to be operated, an alarm system at its alarm site without a valid alarm permit. A separate alarm permit is required for each alarm site.

(b) The fee for an alarm permit or an alarm permit renewal is set forth below and shall be paid by the alarm user. No refund of a permit or permit renewal fee will be made. The initial alarm permit fee must be submitted to the alarm administrator within five days after the alarm system installation or an alarm system transfer.

  (1) Permit fees - (See Exhibit A - Fees).

  (2) Renewal fees - (See Exhibit A -Fees).

(c) Upon receipt of a completed alarm permit application form and the alarm permit fee, the alarm administrator shall register the applicant unless the applicant has:

  (1) Failed to pay a fee assessed under Exhibit A; or

  (2) had an alarm permit for the alarm site suspended and the violation causing the suspension has not been corrected.

(d) Each alarm permit application must include the following information:

  (1) The name, complete address (including apt/suite number), and telephone numbers 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 classification of the alarm site as either residential (includes apartment, condo, mobile home, etc.) commercial, financial, or educational/government;

  (3) For each Alarm System located at the alarm site, the classification of the alarm system (i.e. burglary, holdup, fire, emergency medical, duress, panic alarms or other) and for each classification whether such alarm is audible or silent;

  (4) Mailing address, if different from the address of the alarm site;

  (5) Email address if available;

  (6) Any dangerous or special conditions present at the alarm site;

  (7) Names and telephone numbers of at least two individuals who are able and have agreed to:

    a. Receive notification of an alarm system activation at any time;

    b. Respond to the alarm site within 30 minutes at any time; and

c. Upon request can grant access to the alarm site and deactivate the alarm system if necessary;

(8) Type of business conducted at a commercial alarm site;

(9) Signed certification from the alarm user stating the following:

a. The date of installation or transfer of the alarm system, whichever is applicable;

b. The name, address, and telephone number of the alarm installation company or companies performing the alarm system installation or transfer and of the alarm installation company responsible for providing repair service to the alarm system;

c. The name, address, and telephone number of the monitoring company if different from the alarm installation company;

d. That a set of written operating instructions for the alarm system, including written guidelines on how to avoid false alarms, have been left with the applicant by the alarm installation company;

e. An acknowledgment that the alarm installation company has trained the applicant in proper use of the alarm system, including instructions on how to avoid false alarms; and

f. An acknowledgment that the alarm user understands and agrees that a city emergency service response may be influenced by factors including, but not limited to the availability of city emergency service units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels, etc.

(e) Any false statement of a material fact made by an applicant for the purpose of obtaining an alarm permit shall be sufficient cause for refusal to issue a permit or for suspension of an existing permit.

(f) An alarm permit cannot be transferred to another person or alarm site. An alarm user shall inform the alarm administrator of any change that alters any of the information listed on the alarm permit application within five business days of such change.

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

(Ord. No. 09-03, § 1, 2-17-09)

Editor's note(s)—Exhibit A - Fees, to Ord. No. 09-03, adopted Feb. 17, 2009, is on file and available for inspection in the office of the city clerk.

Sec. 30-28. Alarm permit duration and renewal.

An alarm permit shall expire 12 months from the date of issuance, and must be renewed annually by submitting an updated application and a permit renewal fee to the alarm administrator. It is the responsibility of the alarm user to submit an application prior to the alarm permit expiration date. Failure to renew will be classified as use of a non-permitted alarm system and fees shall be assessed. A $10.00 late fee will be assessed if the renewal paperwork is postmarked or hand-delivered more than 30 days late.

(Ord. No. 09-03, § 1, 2-17-09)

Sec. 30-29. Duties of the alarm user.

(a) An alarm user shall:

(1) Maintain the alarm site and the alarm system in a manner that will minimize or eliminate false alarms;

(2) Make every reasonable effort to have a responder arrive at the alarm system's location within 30 minutes when requested by a city emergency service in order to:

a. Deactivate an alarm system;

b. Provide access to the alarm site; and/or

c. Provide alternative security for the alarm site.

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

(b) An alarm user shall adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal audible on the exterior of an alarm site will sound for no longer than ten minutes after being activated.

(c) An alarm user shall not use automatic voice dialers.

(d) An alarm user shall maintain at each alarm site, a set of written operating instructions for each alarm system.

(Ord. No. 09-03, § 1, 2-17-09)

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

(a) The alarm installation company shall provide written and oral instructions to each of its alarm users in the proper use and operation of their alarm systems. Such instructions will specifically include all instructions necessary to turn the alarm system on and off and to avoid false alarms.

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

(c) Ninety days after enactment of this article, the alarm installation companies shall, on new installations, use only alarm control panel(s) which meet SIA Control Panel Standard CP-01.

(d) An alarm company shall not use automatic voice dialers.

(e) A monitoring company shall:

(1) Report alarm signals by using telephone numbers designated by the alarm administrator;

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

(3) Communicate alarm dispatch requests to the city in a manner and form determined by the alarm administrator;

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

(5) Ensure that all alarm users of alarm systems equipped with duress, holdup or panic alarm is given adequate training as to the proper use of the duress, holdup or panic alarm;

(6) Communicate any available information (north, south, front, back, floor, etc.) about the location on all alarm signals related to the alarm dispatch request;

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

(8) Provide the address of the alarm site;

(9) After an alarm dispatch request, promptly advise the responding city emergency service if the monitoring company knows that the alarm user or the responder has or has not been contacted;

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

(f) 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 details as may be reasonably requested by the alarm administrator.

(Ord. No. 09-03, § 1, 2-17-09)

Sec. 30-31. 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 dispatch requests; and

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

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

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

(2) Identification of the alarm site;

(3) Date and time alarm dispatch request was received;

(4) Date and time of the city emergency service arrival at the alarm site and the disposition of the call;

(c) The alarm administrator shall establish a procedure for the notification to the alarm user of a fee for a false alarm.

(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 alarm administrator may request the assistance of associations, alarm companies and law enforcement agencies in developing and implementing the class. The class shall inform alarm users of the problems created by false alarms and teach alarm users how to avoid generating false alarms.

(f) The alarm administrator may require an alarm user to remove a holdup alarm that is a single action, non-recessed button, if a false holdup alarm has occurred.

(Ord. No. 09-03, § 1, 2-17-09)

Sec. 30-32. Fees.

(a) An alarm user shall be subject to fees, depending on the number of false alarms within any 12-month period based upon the schedule set forth in Exhibit A - Fee Schedule.

(b) In addition, any person operating a non-permitted alarm system will be subject to a fee (See Exhibit A - Fee Schedule) for each false alarm in addition to any other fees.

The alarm administrator may waive this additional fee for a non-permitted system if the alarm user submits an application for alarm permit within ten days after notification of such violation.

(c) The alarm installation company shall be subject to a fee (See Exhibit A - Fee Schedule) if the responding city emergency service determines that an on-site employee of the alarm installation company directly caused the false alarm. In this situation, the false alarm will not be counted against the alarm user.

(d) The monitoring company shall be subject to a fee (See Exhibit A - Fee Schedule) for each failure to verify alarm system signals as specified in subsection 30-30(e)(2).

(e) The alarm installation company shall be subject to a fee (See Exhibit A - Fee Schedule) if the alarm administrator determines that an alarm installation company employee knowingly made a false statement concerning the inspection of an alarm site or the performance of an alarm system.

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

(Ord. No. 09-03, § 1, 2-17-09)

Sec. 30-33. Payment due date and late fee.

Invoices for false alarm fees shall be due and payable within 30 days. A late fee of $25.00 shall be added to the amount due if payment is not received by the due date.

If any amount due under this article remains outstanding for a period greater than 180 days, the City of Webster is authorized to, in writing, suspend or revoke the alarm user's certificate of occupancy for failure to pay.

(Ord. No. 09-03, § 1, 2-17-09)

Sec. 30-34. Surcharge for returned checks.

Any check issued for payment of false alarm fees, which is returned by the payer bank, shall include a surcharge, the amount of which is on file in the office of the director of finance, in order to recover costs of processing such check. The surcharge and the insufficient check shall be payable by money order, cashier's check, or cash.

(Ord. No. 09-03, § 1, 2-17-09)

Sec. 30-35. Suspension.

(a) The alarm administrator may suspend any alarm permit upon the occurrence of any of the following conditions:

(1) If the alarm user provides any false information in, or in connection with, an alarm permit application;

(2) If an alarm site has more than 12 false alarms in any 12-month period; or

(3) If any fees assessed by the alarm administrator become 180 days or more past due.

(b) An alarm user may appeal the suspension of an alarm permit in accordance with the provision for appeals set forth in this article.

(c) The alarm administrator will notify the alarm user in writing after the alarm permit has been suspended and the reason for the suspension. The notice of suspension may also include the amount of the fee for each false alarm, if applicable.

(Ord. No. 09-03, § 1, 2-17-09)

Sec. 30-36. Appeals.

(a) If the alarm administrator assesses a fee or denies the issuance, renewal or reinstatement of an alarm permit, the alarm administrator shall send written notice of the action and a statement of the right to an appeal to the affected applicant or alarm user and the alarm installation company and/or monitoring company.

(b) The alarm user, alarm installation company or monitoring company may appeal an assessment of a fee or the suspension of an alarm permit to the alarm administrator by setting forth in writing the reasons for the appeal within ten business days after receipt of the fee or notice of suspension and by submitting a certified check in the amount of $25.00 payable to the city to cover the cost of processing the appeal. The payment for the cost of the appeal will not be refunded.

(c) The alarm user, alarm installation company or monitoring company may appeal the decision of the alarm administrator by requesting, within ten business days from the date of the decision, that the alarm administrator forwards the appeal to the city manager. The alarm administrator will, within five business days of such a request, provide the city manager with notice of the appeal. The city manager shall, within a period of 30 days from receipt of the notice of appeal from the alarm administrator, hear the appeal and the facts as presented by the appellant and the alarm administrator, affording both parties a reasonable and equal amount of time for the presentation of facts, evidence, and the questioning and cross-examination of witnesses. Within ten business days of the hearing, the city manager shall render a final, written decision affirming or reversing the decision of the alarm administrator. Such written decision shall be filed with the city secretary.

(d) Filing of a notice of appeal shall stay the action by the alarm administrator suspending an alarm permit or requiring payment of a fee, until the city manager has rendered a decision. If a request for an appeal to the city manager is not made within the required ten business day period, the action of the alarm administrator is final.

(e) The alarm administrator may adjust the count of false alarms based on:

(1) Evidence that a false alarm was caused by an act of God;

(2) Evidence that a false alarm was caused by action of the telephone company;

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

(4) Evidence that the alarm dispatch request was not a false alarm; and/or

(5) Evidence that a city emergency service response was not completed in a timely fashion.

(f) With respect to fees of an alarm installation company or monitoring company the alarm administrator may take into consideration whether the alarm company or monitoring company has engaged in a consistent pattern of violations.

(Ord. No. 09-03, § 1, 2-17-09)

Sec. 30-37. Reinstatement.

(a) A person whose alarm permit has been suspended may, at the discretion of the alarm administrator, have the alarm permit reinstated by the alarm administrator if the person:

(1) Submits a new application and pays a reinstatement fee (See Exhibit A - Fee Schedule);

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

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

(b) In addition, the alarm administrator may require one or more of the following as a condition to reinstatement:

(1) Proof that an employee of the alarm installation company or monitoring company caused the false alarm;

(2) A certificate showing that the alarm user has successfully completed the alarm user awareness class;

(3) Upgrade the alarm control panel to meet SIA Control Panel Standard CP01;

(4) A written statement from an independent inspector that the alarm system has been inspected and is in good working order;

(5) Confirmation that all motion detectors are "dual technology" type;

(6) Confirmation that the alarm system requires two independent zones to trigger before transmitting an alarm signal to the monitoring company;

(7) Confirmation that the alarm system requires two independent detectors to trigger before transmitting an alarm signal to the monitoring company;

(8) Certification that the monitoring company will not make an alarm dispatch request unless the need for a city emergency service is confirmed by a listen-in device;

(9) Certification that the monitoring company will not request an alarm dispatch unless the need for a city emergency service response is confirmed by a camera device; or

(10) Certification that the monitoring company will not make an alarm dispatch request unless the need for a city emergency service response is confirmed by a person at the alarm site.

(Ord. No. 09-03, § 1, 2-17-09)

Sec. 30-38. Governmental immunity.

An alarm permit is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, for a city emergency response. Any and all liability and consequential damage resulting from the city's failure or inability to respond to a Notification is hereby disclaimed and governmental immunity as provided by law is retained. By applying for an alarm permit, the alarm user acknowledges that a city emergency response may be influenced by factors such as: the availability of city emergency service units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history.

(Ord. No. 09-03, § 1, 2-17-09)