



ORDINANCE 2017-08

AN ORDINANCE OF THE CITY OF TOM BEAN, TEXAS, SETTING RULES, REGULATIONS, PROCEDURES, RATES AND FEES FOR ALARM ORDINANCE PROVIDED BY THE CITY OF TOM BEAN; SETTING PENALTIES FOR VIOLATION OF PROVISIONS IN THE ORDINANCE; PROVIDING FOR SEVERABILITY, SAVINGS AND REPEALING CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE OF THE ORDINANCE.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOM BEAN, TEXAS:

Section 1. 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 administrator means a person or persons designated by the police chief to administer, review, and enforce alarm permitting and false alarm notifications, billing, and permit revocations.

Alarm site means a location or premises served by an alarm system.

Alarm system means a device or system which transmits a signal intended to summon police and/or fire services of the city. The categories of alarm systems are robbery, burglary, fire, medical, and panic/distress alarm. "Alarm system" does not mean an alarm installed on a vehicle, unless used for a habitation at a permanent site, or an alarm designed to alert only the inhabitants within premises, but includes an alarm that emits an audible signal on the exterior of a structure.

Alarm system user means the property owner, the owner's agent, other person, or business entity legally responsible for the operation of a validly permitted alarm system.

Alarm systems company means a person who acts as an alarm systems company under V.T.C.A., Occupations Code § 1702.105.

Burglar alarm notification means a notification of an unauthorized intrusion or attempted unauthorized intrusion.

Emergency medical assistance alarm notification means an alarm system which summons emergency medical assistance.

False burglar alarm notification means a burglar alarm notification to the police when the responding police officer reasonably finds there is no evidence of unauthorized intrusion or attempted unauthorized intrusion.

False emergency medical assistance alarm notification means an emergency medical assistance alarm notification to the fire department, when the responding fire department personnel reasonably find there is no evidence of need for emergency medical assistance.

False fire alarm notification means a fire alarm notification to the fire department, when the responding fire department personnel reasonably find there is no evidence of a 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 which is initiated or triggered by an alarm system designed to react to any of the visual or physical characteristics of fire.

Fire chief means the Tom Bean Volunteer fire chief or designee.

Monitoring System means a device or system that transmits a burglar alarm signal intended to notify only the responsible person of the system or the inhabitants of the structure without the intent of summoning an emergency service of the city.

Panic/Distress alarm means a notification generated by the activation of a device intended to signal a life threatening or emergency situation.

Permitted site means a location that has an active permit and for which the permit owner information on file is current.

Police chief means the City of Tom Bean chief of police or designee.

Responsible party means an alarm system user who is required to comply with the terms of this article.

Robbery alarm notification means a notification of a robbery or an attempted robbery.

Section 2. Permit.

(a) *Required.* A person commits an offense if he operates, causes, or allows to be operated, an alarm system without a valid permit. A separate permit is required for each alarm system.

(b) *Contents of application.* Each permit application must 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. For an alarm permit for a commercial premise, 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(s) will come to the alarm site within thirty (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 thirty (30) minutes after being notified.

(c) *False statement.* 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 a permit.

(d) *Fee.*

(1) A nonrefundable fee of twenty dollars (\$20.00) is required annually for each residential alarm system.

(2) A nonrefundable fee of fifty dollars (\$50.00) is required annually for each commercial permit.

(3) It is the responsibility of the alarm system user to pay the permit fee no later than the expiration date stated on the notification. If payment is not received prior to the expiration date, the permit will be deactivated after a ten (10) business day grace period.

(e) *Issuance.* Upon receipt of the required fee and completed application form, the alarm administrator or designee shall issue a permit unless there is reasonable cause to believe the equipment responsible for initiating an alarm will not be maintained or operated in accordance with this article or the applicant will not comply with each provision of this article.

(f) *Transferability; change of individual designated to respond.* An alarm permit cannot be transferred to another person. However, the individual designated to respond to an alarm or relay an alarm may be changed. A permit holder must inform the alarm administrator or designee of any change that alters information listed on the permit applications. No fee will be assessed for such changes.

(g) *Penalty for operation without permit.* A one hundred-dollar (\$100.00) penalty will be imposed for a person or business entity operating, causing, or allowing to be operated any alarm system as defined in this article without having a valid permit in accordance with the provisions of this article.

(h) *Enforcement.* The alarm administrator or designee shall have the authority to enforce the provisions of this article.

Section 3. Inspection of alarm site and system.

Upon reasonable notification, the police chief or designee or fire chief or designee may inspect an alarm site and alarm system of a permit holder during regular business hours.

Section 4. Responsibilities of alarm system users.

(a) *Generally. An alarm system user:*

- (1) Is responsible for the adjustment or modification of the sensory mechanism for his alarm system to suppress false indications 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 or noise caused by the rattling or vibrating of doors / windows from thunder or a loud car stereo;
 - d. Vehicular noise adjacent to the installation; and
 - e. Other events unrelated to actual emergencies.
- (2) Must maintain the premises containing an alarm system in a manner that ensures proper operation of the alarm system. It is the responsibility of the alarm permit holder to properly maintain the alarm system to prevent false activations. Should a permit holder have more than two (2) activations within thirty (30) calendar days, an inspection of the alarm system will be required by a licensed company. Notice must be made in writing to the alarm administrator or designee from the licensed monitoring company of findings of the inspection within thirty (30) calendar days.
- (3) Must provide the City of Tom Bean police department written notification of the date the permit is to be cancelled.

(b) *Reporting alarm signals through an alarm systems company.* An alarm system user shall not report any alarm signals through a relaying intermediary person that does not meet the requirements of V.T.C.A., Occupations Code § 1702.105.

Section 5. Duties of an alarm systems company.

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

- (1) Attempt to contact the responsible party of the alarm system twice before contacting the city to respond to the alarm signal; and
- (2) Follow § 26.2.3.1 of NFPA 72, National Fire Alarm and Signaling Code, 2013 edition, for alarm signal verification.

Section 6. Monitoring systems.

(a) *Requirements. A person in control of a monitoring system must:*

- (1) Adjust the mechanism so that any audible signals emitted can be heard only inside the alarmed location.
- (2) If applicable, notify the alarm systems company not to dispatch police for burglar alarms unless there is an indication of an emergency or criminal offense.

(b) *No permit required.* The operation of a monitoring system does not require a permit from the city.

(c) *Penalty if dispatched.* A one hundred-dollar (\$100.00) penalty will be imposed against the responsible party when an alarm systems company reports to the city any burglary alarm that is intended only to notify the responsible party of the monitoring system.

Section 7. False alarms.

(a) *Determination.*

(1) The alarm administrator or designee shall not consider the alarm notification to be false if:

- a. The emergency responders respond within thirty (30) minutes and
- b. After inspection of the interior or exterior of the premises, the alarm is determined to be caused by:

1. A natural or man-made catastrophe;
2. Severe weather that causes physical damage to the premises;
3. A criminal offense;
4. Telephone line outage; or
5. Attempted entry of an intruder or attempted robbery.

(b) *Fees.* An alarm system user shall pay any service fees as assessed under the provisions of this section within thirty (30) calendar days of receiving the city's determination notice of the false alarm or be assessed a ten (10) percent late fee.

(2) *Burglar alarms.* An alarm system user will be assessed a fee for the signaling of a false alarm in excess of three (3) false alarms in the preceding 12-month period. Fees assessed will be:

- a. Fifty dollars (\$50.00), if the location has had more than three (3) but fewer than six (6) other false alarms in the preceding 12-month period.
- b. Seventy-five dollars (\$75.00), if the location has had more than five (5) but fewer than eight (8) other false alarms in the preceding 12-month period.
- c. One hundred dollars (\$100.00), if the location has had eight (8) or more other false alarms in the preceding 12-month period.

(3) *Fire alarms.* An alarm system user will be assessed a fee for the signaling of a false alarm by a fire alarm system in excess of two (2) alarms in the preceding twelve (12) months. This fee will be two hundred dollars (\$200.00) for each such false alarm.

(4) *Robbery alarms.* An alarm system user will be assessed a fee for signaling of a false alarm by a robbery alarm system in excess of two (2) false alarms in the preceding 12-month period. This fee will be two hundred dollars (\$200.00) for each such false alarm.

(5) *Emergency medical assistance alarms.* An alarm system user will be assessed a fee for the signaling of a false alarm by an emergency medical assistance alarm system in excess of two

(2) false alarms in the preceding twelve (12) months. This fee will be seventy-five dollars (\$75.00) for each such false alarm.

(6) *Panic/distress alarms.* An alarm system user will be assessed a fee for the signaling of a false alarm by an emergency assistance/personal distress alarm system in excess of two (2) false alarms in the preceding twelve (12) month period. This fee will be seventy-five dollars (\$75.00) for each such false alarm.

Response required.

(1) An alarm system user shall respond to the alarm site within thirty (30) minutes after receiving a request from a member of the police department or the fire department to grant access to the site and deactivate the alarm if necessary.

(2) Police and fire personnel may silence or disarm an alarm system by any means necessary if a key holder fails to respond within thirty (30) minutes.

(d) *Appeals.* Upon notice of a false alarm and the assessed fee invoice, if applicable, a responsible party may appeal the city's decision to consider the alarm notification to be false pursuant to this article, by filing a written appeal to the alarm administrator within five (5) business days of receipt of the city's written notification. An appeal filed pursuant to this section must specifically state the basis of the responsible party's challenge to the city's determination of the false alarm as defined in this article. The alarm administrator will make a determination in writing within five (5) business days of receipt of the appeal. The determination of the alarm administrator may be appealed to the police chief if an appeal is made in writing to the police chief within five (5) business days of receipt of the alarm administrator's findings. The decision of the police chief is final.

This ordinance shall be effective upon the posting and/or publication of its caption as required by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF TOM BEAN, TEXAS on this 13th day of November, 2017.


Sherry E. Howard, Mayor

ATTEST:


Cathy Pugh, City Secretary

