

ARTICLE XI

ALARM SYSTEMS

Section 15-232. DEFINITIONS

- (A) **ALARM SYSTEM** means a device or system that emits, transmits, or relays a signal that is intended to notify the public safety department of an unauthorized intrusion, attempted unauthorized intrusion, robbery, attempted robbery, an attempt to take a person hostage, the presence of smoke, heat, fire or trapped persons, is intended to summon, or that would reasonably be expected to summon, public safety services of the City, including, but not limited to, local alarms. Alarm system does not include:
- (1) An alarm installed on a vehicle unless the vehicle is permanently located at a site; or
 - (2) An alarm designed to alert only the inhabitants of the premises located at the site; or
- (B) **ALARM NOTIFICATION** means a notification intended to summon police/fire services, which is designed either to be initiated purposely by a person or by an alarm system that responds to a stimulus characteristic of fire, emergency or unauthorized intrusion.
- (C) **ALARM SITE** means a single premise or location (one street address) served by an alarm system or systems that are under the control of one owner.
- (D) **BROADCAST ALARM** means an alarm system that emits a signal at an alarm site that is audible or visible from the exterior of a structure.
- (E) **CHIEF** means the chief of police/fire chief of the City or his/her authorized representative.
- (F) **FIRE ALARM** means any system or device that is permitted and installed to meet the minimum standards of the Rockwall Fire Code and Code of Ordinances and appropriate state requirements and designed as an automatic communication device giving early warning of smoke, heat, fire, suppression system activation, and trouble, including the notification of a U.L. listed approved central station.
- (G) **FIRE MARSHAL** means the fire marshal of the City or his/her authorized representative.
- (H) **PERMIT HOLDER OR PERSON IN CONTROL** means the person designated as such in the application for an alarm permit or the person that 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. Such person must be at least eighteen (18) years of age.

- (I) **PERSON** means an individual, corporation, partnership, association, organization, or similar entity.

Section 15-233. PROPER ALARM SYSTEM OPERATION AND MAINTENANCE

- (A) A permit holder or person in control of an alarm system shall:
 - (1) Maintain the premises containing the alarm system in a manner that assures proper operation of the alarm system;
 - (2) Maintain the alarm system in a manner that will minimize false alarm notification;
 - (3) Respond to or cause a representative to respond within a reasonable period of time, which period shall be designated by the City, when requested 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 for any reason other than the occurrence of an event that the alarm system was intended to report; and
 - (5) Notify the police department prior to activating a security or fire alarm for maintenance purposes.
 - (6) Notify the fire department and U.L. listed central station prior to any fire drills or tests that may or may not cause the activation of a fire alarm system.
- (B) A permit holder or person in control of a security or fire alarm system shall not utilize any alarm system which causes an audible signal to be emitted continuously or intermittently for more than fifteen (15) minutes for a security alarm and thirty (30) minutes for a fire alarm, after being activated or which emits a subsequent alarm without being reset which would constitute a nuisance and a violation of this ordinance.
- (C) 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 Chapter and any other Chapter of this code, any rules and regulations promulgated by the Chief or Fire Marshal, or, for a security/fire alarm system, that is not licensed by the Texas Board of Private Investigator or Private Security Agencies.
- (D) A permit holder or person in control of a security/ fire alarm system shall maintain a complete set of written operation instructions for each alarm

system at each alarm site. Special codes, combinations, or passwords must not be included in these instructions.

Section 15-234. DIRECT ALARM REPORTING: AUTOMATIC ALARM NOTIFICATION PROHIBITED

An alarm system which transmits automatic alarm notification directly to the communication center of the police department is prohibited, except for such systems currently in place on date of adoption hereof and to the original permit holder hereunder, or as authorized in Section 15-235 hereof.

Section 15-235. PROTECTION OF FINANCIAL INSTITUTIONS

- (A) A financial institution is required to have a security/ fire 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, a signal line directly to the police department for the purpose of reporting burglaries and robberies. If such an arrangement is made, all other requirement of this chapter must be met. The financial institution shall execute a letter of agreement with the City permitting the installation of all necessary equipment of 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 to be determined for each indicator. The Chief 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 finds that the alarm system continually fails to operate properly, or to be operated improperly, he 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 own expense, shall make arrangements to provide service for the alarm system on a 24-hour basis, seven days a week. In no event shall 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 Chief, and at its own expense, remove its equipment and indicators from the monitor panel in the communications center.
- (E) The Chief may require any change, modernization, or consolidation of alarm signaling equipment that he/she deems advisable. In no event shall 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 reporting service using special equipment designated by the Chief.

SECTION 15-236. ALARM SYSTEM PERMITS

(A) Permit Required. A person commits an offense if he/she operates or causes to be operated, an alarm system without an alarm system permit issued by the Chief. A separate permit is required for each street address and each system.

(B) Form of Application.

1. A non-refundable application fee of \$30.00 for residential permits and \$50.00 for commercial permits is required for issuance of a permit
2. Application for licenses required by the provisions of this Chapter shall be filed with the Chief of Police on a form provided by the Chief. If the applicant is an individual, the application shall be subscribed and sworn to by such person. If the applicant is an individual and does not reside, operate any business or is not employed within the State, or in the event the applicant is a firm or partnership and no owner or general partner resides, operates a business or is employed within the State, then the application must also be subscribed and sworn to by the individual having the authority and responsibility for the management and operations of the alarm business within the State. If the applicant is a corporation, the application shall be subscribed and sworn to by at least one principal corporate officer. If the applicant is a corporation and none of its principal corporate officers are responsible for the management and operations of the alarm business within the State, the application shall also be subscribed and sworn to by the individual having the authority and responsibility for the management and operations of the alarm business within the state.
3. If the applicant is a corporation, the application shall specify the Manager of the given location on the application.
4. If the applicant is a partnership, the application shall specify the location of the applicant's principal place of business and the names, business addresses, and residence addresses of each partner.
5. The application shall include the following information for each individual required to subscribe and swear to it:
 - a. The individual's full name, business address and residence address.
 - b. The individual's residence and business telephone number;
 - c. The individual's date and place of birth;

- d. The individual's drivers license number.
6. Each permit application must contain the following information:
- a. The address of the location of the alarm system site;
 - b. A description by brand and general type of the alarm system stating the manner in which the alarm will be given, and if the alarm is to be transmitted to a central office, the name, address and telephone number of the operator of the central office;
 - c. Any other information required by the Chief which is necessary for the enforcement of this Chapter.
- (C) Permit issuance or denial. Upon receipt of a completed application from, the Chief shall issue an alarm system permit to an applicant unless the applicant:
- 1. Has had an alarm system permit for the alarm site revoked and the violation causing the revocation has not been corrected;
 - 2. Has made a false statement of a material matter;
 - 3. Committed any act, which, if committed by a licensee, would be grounds for the revocation of a license under this Chapter; or
 - 4. While unlicensed, knowingly and willfully committed, or aided and abetted in commission, of any act for which a license is required by this Chapter.
- (D) Transfer and Amendments. An alarm system permit cannot be transferred to another person at the same location. A permit holder shall inform the Chief of any change that alters any information listed on the permit application within two (2) business days. No fee will be assessed for such changes.
- (E) Fees Paid. All fees owed by an applicant must be paid before a permit may be issued or renewed.
- (F) Permit Renewal. A permit for an alarm system is valid for one year. A permit will be revoked for non-renewal upon thirty (30) days written notice from the Chief to the permit holder.

SECTION 15-237. REVOCATION OF ALARM SYSTEM PERMITS

- (A) The Chief shall revoke an alarm system permit if he/she determines that:

1. There is a false statement of a material matter in the application for permit;
 2. The permit holder has violated any provision of this Chapter;
- (B) A person commits an offense if he/she operates an alarm system during the period in which his alarm permit is revoked.

SECTION 15-238. APPEALS

- (A) If the Chief refuses to issue a permit, or revokes a permit, he/she shall send to the applicant or permit holder by certified mail, return receipt requested, written notice of his/her action and a statement of the right to an appeal. The applicant or permit holder may appeal the decision of the Chief to the City Manager by filing with the City Manager a written request for a hearing, setting forth the reasons for the appeal, within ten (10) days after receipt of the notice from the Chief. The filing of a request for an appeal hearing with the City Manager stays an action of the Chief in revoking a permit until the City Manager or his/her designated representative make a final decision. If a request for an appeal hearing is not made within the ten day period, the action of the Chief is final.
- (B) The City Manager or his/her representative shall serve as Hearing Officer at an appeal and consider evidence by an interested person. The formal rules of evidence do not apply at an appeal hearing and the Hearing Officer shall make his decision on the basis of a preponderance of the evidence presented at the hearing. The Hearing Officer must render a decision within thirty (30) days after the request for an appeal hearing is filed. The Hearing Officer shall affirm, reverse, or modify the action of the Chief. The decision of the Hearing Officer is final as to administrative remedies with the City.

SECTION 15-239. FALSE ALARM NOTIFICATION

- (A) Except as otherwise provided, more than three false police alarm responses or more than three false fire alarm responses within the preceding (12) month period shall constitute a violation of this ordinance.

Each fire false alarm notification in violation of this subsection that occurs within the City's extraterritorial jurisdiction shall constitute a public nuisance in accordance with Section 217.042 of the Texas Local Government Code.

- (B) If a person notifies the Chief and applies for an alarm system permit before a new alarm or replacement alarm system is put into service, false alarm notification during the first thirty (30) days after the system is put into service will not be counted in determining when a violation exists.
- (C) If the responding officer determines that an alarm notification was caused by smoke or fire, unauthorized intrusion, attempted unauthorized

intrusion, robbery, attempted robbery, or an attempt to take a person hostage, that notification will not be counted as a false alarm.

- (D) A false alarm system notification will not be counted in determining when a violation exists if the permit holder can prove to the satisfaction of the City that the alarm notification was the result of a severe weather condition that caused physical damage to the alarm site, or the result of the malfunction of the telephone lines for the transmission of alarm signals, proof of the latter being documented upon the telephone company work orders or time stamped records from the alarm company showing the period of interrupted service.
- (E) Except as otherwise provided in subsections (A)(B)(C) and (D) above, the holder of a security/ fire alarm permit shall pay an administrative penalty in accordance with the following:

POLICE

RESIDENTIAL/COMMERCIAL/INDUSTRIAL

4TH and each subsequent False Alarm \$50.00

FIRE

RESIDENTIAL

4 TH	False Alarm	\$ 100.00
5 th	False Alarm	\$ 250.00
6 th	False Alarm	\$ 500.00
7 th	False Alarm	\$ 750.00
8 th	False Alarm	\$1,000.00
9 th	False Alarm	\$1,250.00
10 th	False Alarm	\$1,500.00
11 th	False Alarm	\$1,750.00
12 th and subsequent	False Alarm	\$2,000.00

COMMERCIAL/ INDUSTRIAL

4 th	False Alarm	\$ 250.00
5 th	False Alarm	\$ 500.00
6 th	False Alarm	\$ 750.00
7 th	False Alarm	\$1,000.00
8 th	False Alarm	\$1,250.00
9 th	False Alarm	\$1,500.00
10 th	False Alarm	\$1,750.00
11 th and subsequent	False Alarm	\$2,000.00

- (F) Failure to pay the penalty for violation of subsection (E) above, within the allotted time frame as established by the City, shall constitute a separate offense.

SECTION 15-240. VIOLATION; PENALTY

- (A) A person commits an offense if he/she violates by commission or omission any provision of this Chapter that imposes upon him/her a duty or responsibility.
- (B) A person who violates a provision of this Chapter is guilty of a separate offense for each day or portion of a day during which the violation is committed, continued, or permitted, and each violation is punishable by a fine in accordance with the general provisions of the Code of Ordinances.

In addition to prohibiting or requiring certain conduct of individuals, it is the intent of this Chapter to hold a corporation, partnership, or other association criminally responsible for acts or omissions performed by an agent acting in behalf of the corporation, partnership, or other association, and within the scope of his/her employment.

SECTION 15-241. EXCEPTIONS

- (A) This Chapter shall not apply to alarm systems operated by local, state, federal governmental and independent school district entities.
- (B) A fire alarm notification will not be counted in determining a violation when the event occurred due to an honest mistake of a reasonable person thinking that there is a fire.
- (C) The criminal act of malicious false alarm as defined as in the Fire Code and Texas Penal Code will not be applied in determining a violation of this ordinance and shall be prosecuted as prescribed by law.

(Ord. No. 02-48;10-21-02; Ord. 03-04; 03-03-03; Ord. No. 08-62; 11-17-08)