

TPCA Model Alarm Ordinance

Revision 3.1.2

PLEASE NOTE: The Ordinance is intended to serve as a **BASE FRAMEWORK** for municipal officials, law enforcement officials and the alarm industry. It contains features that have been proven to reduce False Alarms. Any new standard that is properly certified by the American National Standard Institute or its equivalent should be considered when creating or revising an alarm management ordinance. **It is important that the Ordinance be reviewed carefully before endorsing or recommending that it be adopted either in whole or in part.**

There may be aspects of the Ordinance that will pose potential problems in your locale, and you may decide that those characteristics should not be included in your local ordinance. As the Ordinance is intended for use as a guide, it is a working draft, subject to changing times, designed to help you successfully develop and implement a good alarm management ordinance. **This ordinance is the product of a committee formed by the Texas Police Chiefs Association in partnership with members of the Alarm Industry.**

This ordinance meets the requirements of current Texas Law regarding the regulation of Burglar Alarm Systems.

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SECTION 1. PURPOSE

(A) The purpose of this Ordinance is to encourage Alarm Users and alarm companies to properly use and maintain the operational effectiveness of Alarm Systems in order to improve the reliability of Alarm Systems and reduce or eliminate False Alarms.

(B) This Ordinance governs Alarm Systems intended to summon law enforcement response, and requires registration, establishes fees, provide for penalties for violations, establishes a system of administration, and sets conditions for suspension of police response or revocation of registration.

SECTION 2. DEFINITIONS

In this Ordinance the following terms and phrases shall have the following meanings:

(A) Act of God means an extraordinary interruption by natural causes (such as a flood, earthquake, or severe weather) of the usual course of events that experience, foresight, or care cannot reasonably foresee or prevent.

(B) Alarm Administrator means a Person or Persons designated by the governing authority to administer, control and review False Alarm reduction efforts and administer the provisions of this Ordinance.

(C) 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. This definition shall also include individuals or firms that install and service the Alarm Systems that will be used in their private or proprietary facilities. This does not include persons doing installation or repair work where such work is performed without compensation of any kind (i.e., “do-it-yourselfers”).

(D) Alarm Dispatch Request means a notification to a law enforcement agency that an alarm, either manual or automatic, has been activated at a particular Alarm Site.

(E) Alarm Permit or Registration means authorization granted by the Alarm Administrator to an Alarm User to operate an Alarm System.

(F) Alarm Site means a single fixed premises or location served by an Alarm System or Systems **that are under the control of one owner or tenant**. 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:**

1. **Residential site** means a single family residence and each residential unit of a multi-unit building or complex which is served by an Alarm System
2. **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.
3. **Educational site** means every premises or location of a public or private school or school administrative office
4. **Government site** means every premises or location of any federal, state, county or municipal government office.

(G) Alarm System means a *control panel, arming station(s)*, and 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 *is* intended to summon law enforcement 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.

(H) Alarm User means any Person, who (which) has contracted for Monitoring, repair, installation or maintenance service from an Alarm Installation Company or Monitoring Company for an Alarm System, or who (which) owns or operates an Alarm System which is not monitored, maintained or repaired under contract.

(I) Alarm User Awareness Class means a class conducted for the purpose of educating Alarm Users about the responsible use, operation, and maintenance of Alarm Systems and the problems created by False Alarms.

(J) Arming Station means a device that allows control of an Alarm System.

(K) 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 law enforcement, public safety or emergency services agency requesting dispatch.

(L) Cancellation means the process where response is terminated when a Monitoring Company (designated by the Alarm User) for the Alarm Site notifies the responding law enforcement agency that there is not an existing situation at the Alarm Site requiring law enforcement agency response after an Alarm Dispatch Request.

(M) Conversion means the transaction or process by which one Alarm Installation Company or Monitoring Company begins the servicing and/or Monitoring of a previously unmonitored Alarm System or an Alarm System previously serviced and/or monitored by another alarm company.

(N) 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.

(O) False Alarm means an Alarm Dispatch Request to a law enforcement agency, when a response is made by the law enforcement agency within thirty (30) minutes of the Alarm Dispatch Request and the responding law enforcement officer finds from an inspection of the interior and/or exterior of the Alarm Site no evidence of a criminal offense or attempted criminal offense.

(P) Holdup Alarm means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress or immediately after it has occurred.

(Q) Law Enforcement Authority means the Commissioner, Superintendent, Sheriff, Chief of Police, director or other authorized representative of a law enforcement agency.

(R) License means a license issued by the Texas Department of Public Safety Private Security Bureau to an Alarm Installation Company and Monitoring Company to sell, install, monitor, repair, or replace Alarm Systems.

(S) Local Alarm System means any Alarm System, which is not monitored, that annunciates an alarm only at the Alarm Site.

(T) 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 law enforcement to the Alarm Site.

(U) Monitoring Company means a Person in the business of providing Monitoring services.

(V) One Plus Duress Alarm means the manual activation of a silent alarm signal by entering at an Arming Station a code that adds one to the last digit of the normal arm/disarm code (e.g., normal code = 1234, One Plus Duress Code = 1235)

(W) 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 law enforcement response.

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

(Y) Responder means an individual capable of reaching the Alarm Site **within _____ minutes** and having access to the Alarm Site, the code to the Alarm System and the authority to approve repairs to the Alarm System. *(The time allowed should be determined by the city based on its population and size. It is suggested that a minimum, thirty (30) minutes be allowed to respond. This will need to match the requirements of Section 3(F)6 and Section 4(A)2.)*

(Z) 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.”

(AA) Takeover 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.

(BB) Verify means an attempt by the Monitoring Company, or its representative, to contact the Alarm Site and/or Alarm User by telephone whether or not actual contact with a Person is made, to determine whether an alarm signal is valid before requesting law enforcement dispatch.

(CC) Zones means division of devices into which an Alarm System is divided to indicate the general location from which an Alarm System signal is transmitted.

SECTION 3. REGISTRATION REQUIRED; APPLICATION; FEE; TRANSFERABILITY; FALSE STATEMENTS

(A) No Alarm User shall operate, or cause to be operated, an Alarm System, **which is intended to summons police response** at its Alarm Site without a valid Alarm Permit. A separate Alarm Permit is required for each Alarm Site. *An Alarm Permit is not valid if it has been denied or revoked, has not been renewed, or has expired.*

(B) *The Alarm Site must have a valid Alarm Permit for the police department to respond to the location unless the Alarm Dispatch Request is for a Duress Alarm, Holdup Alarm or a Panic Alarm.*

(C) No Alarm User shall allow a Monitoring Company to make an Alarm Dispatch Request to an Alarm Site that does not have a valid Alarm Permit.

(D) The fee for an Alarm Permit or an Alarm Permit renewal shall be determined from time to time by resolution of the city council or governing body, not to exceed \$50.00 for residential permits and \$100.00 for commercial permits. No refund of a registration or registration renewal fee will be made. The initial Alarm Permit fee must be submitted to the Alarm Administrator within five (5) days after the Alarm System installation or Alarm System Takeover and shall be paid by the Alarm User.

(E) 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 fine assessed under Section 7; or

- (2) Had an Alarm Permit for the Alarm Site suspended or revoked, and the violation causing the suspension or revocation has not been corrected.

(F) 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 registration 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.) or commercial;
- (3) For each Alarm System located at the Alarm Site, the classification of the Alarm System (i.e. burglary, Holdup, 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) Any dangerous or special conditions present at the Alarm Site;
- (6) 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 _____ minutes** at any time; and (c) upon request can grant access to the Alarm Site and deactivate the Alarm System if necessary; ***(The time allowed should be determined by the city based on its population and size. It is suggested that at a minimum, thirty (30) minutes be allowed to respond. This will need to match the requirements of Section 4(A)2)***
- (7) Type of business conducted at a commercial Alarm Site;
- (8) Signed certification from the Alarm User stating the following:
 - (a) The date of installation, Conversion or Takeover 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, Conversion or Takeover 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; and
 - (e) That the Alarm Installation Company has trained the applicant in proper use of the Alarm System, including instructions on how to avoid False Alarms.
- (9) That law enforcement response may be influenced **or prevented** by factors including, but not limited to the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels, etc.

(G) 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 registration.

(H) An Alarm Registration 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 (5) business days of such change.

(I) All fines and fees owed by an applicant must be paid before an Alarm Permit may be issued or renewed.

SECTION 3.1. ALARM REGISTRATION DURATION AND RENEWAL

An Alarm Permit shall expire twelve (12) months from the date of issuance, and must be renewed annually by submitting an updated application and a registration renewal fee to the Alarm Administrator. The Alarm Administrator shall notify each Alarm User of the need to renew thirty (30) days prior to the expiration of the registration. It is the responsibility of the Alarm User to submit an application prior to the registration expiration date. Failure to renew will be classified as use of a non-registered Alarm System and may result in:

(A) **Non-response** to Alarm Dispatch Requests;

(B) **The** assessment of citations and penalties; and

(C) A \$50.00 late fee may be assessed if the renewal is more than thirty (30) days late

SECTION 4. 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 to the Alarm System's location **within _____ minutes** when requested by the law enforcement agency in order to:

(The time allowed should be determined by the city based on its population and size. It is suggested that at a minimum, thirty (30) minutes be allowed to respond)

(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 designed 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 (10) 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.

(E) All Alarm Users shall agree with their Alarm Installation Company and/or Monitoring Company to go through an "acclimation period" for the first _____ days after installation of an Alarm System during which time the Alarm Installation Company and/or Monitoring Company will have no obligation to and will not respond to any Alarm Signal from the Alarm Site, excluding Panic, Duress, and Holdup signals and will not make an

Alarm Dispatch Request to law enforcement, even if the Alarm Signal is the result of an actual alarm event. *(This is an optional requirement that should be carefully considered before adoption. It can range from no delay in accepting an Alarm Dispatch Request to a maximum of seven (7) days from installation. It will also affect Section 5 Item I in this ordinance.)*

(F) Individuals that have installed their own system as well as firms with proprietary systems shall comply with all of the requirements in this Section for Alarm Users.

SECTION 5. DUTIES OF ALARM INSTALLATION COMPANY AND MONITORING COMPANY (Ref. Occupations Code 1702.286)

(A) Upon the installation or activation of an Alarm System, the Alarm Installation Company shall distribute to the Alarm User information summarizing:

- (1) The applicable law relating to False Alarms, including the potential for penalties and revocation or suspension of an Alarm Permit;
- (2) How to prevent False Alarms;
- (3) How to operate the Alarm System; and
- (4) Ensure that all Alarm Users of Alarm Systems equipped with a Duress, Holdup or Panic Alarm are given adequate training as to the proper use of the Duress, Holdup or Panic Alarm.

(B) The Alarm Installation Company shall notify the municipality in which the Alarm System is located of an installation or activation of an Alarm System not later than the 30th day after the date of the installation or activation. The Alarm Installation Company shall provide to the municipality:

- (1) The Alarm Installation Company name;
- (2) The Alarm Installation Company license number;
- (3) The name of the Alarm User at the Alarm Site;
- (4) The Alarm Site address; and
- (5) The date of installation or activation.

(C) An Alarm Installation Company commits a Class C misdemeanor offense if the company violates (A) or (B) of this section.

(D) The duties imposed by this section on an Alarm Installation Company do not apply to the installation or activation of a personal emergency response system, as defined under Texas Occupation Code, Section 1702.331.

(E) Upon the effective date of this Ordinance, Alarm Installation Companies shall not program Alarm Systems so that they are capable of sending One Plus Duress Alarms. Monitoring Companies may continue to report One Plus Duress Alarms received from Alarm Systems programmed with One Plus Duress Alarms prior to enactment of this Ordinance. However, upon the effective date of this Ordinance, when a Takeover or Conversion occurs, an Alarm Installation Company must remove the One Plus Duress Alarm capability from such Alarm Systems.

(F) Upon the effective date of this Ordinance, Alarm Installation Companies shall not install a device to activate a Holdup Alarm, which is a single action, non-recessed button.

(G) An Alarm Installation Company may not install any Alarm System on or after January 1, 2007, that includes a detection device control panel unless the control panel is listed to meet **at a minimum** the ANSI/SIA CP-01- Control Panel Standard - Features for False Alarm Reduction. (Ref. Occupations Code 1702.287)

(H) An Alarm Installation or Monitoring Company shall not use Automatic Voice Dialers.

(I) The Monitoring Company shall not make an Alarm Dispatch Request of a law enforcement agency in response to a burglar alarm signal, excluding Panic, Duress and Holdup signals, during the **first _____ days** following an Alarm System installation. The Alarm Administrator may grant an Alarm User's request for an exemption from this waiting period based upon a determination that special circumstances substantiate the need for the exemption. ***(This provision is directly tied to Section 4, Item E of this ordinance, and the provisions in it must be the same.)***

(J) A Monitoring Company shall:

- (1) Verify every alarm signal, except Duress or Holdup Alarm activation before requesting a law enforcement response to an Alarm System signal. This will require a minimum of 2 calls being made to the premise or alternate phone number before an Alarm Dispatch Request is made.
- (2) Report alarm signals **and dispatch request** by using telephone numbers designated by the Alarm Administrator
- (3) Verify every alarm signal, except a Duress or Holdup Alarm activation before requesting a law enforcement response to an Alarm System signal. This will require a minimum of 2 calls being made to the premise or alternate phone number before an Alarm Dispatch Request is made.
- (4) Communicate Alarm Dispatch Requests to the municipality in a manner and form determined by the Alarm Administrator;
- (5) Communicate Cancellations to the municipality in a manner and form determined by the Alarm Administrator;
- (6) Communicate any available information (permit number, 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) After an Alarm Dispatch Request, promptly advise the law enforcement agency if the Monitoring Company knows that the Alarm User or the Responder is on the way to the Alarm Site;
- (9) Attempt to contact the Alarm User or Responder within 24 hours via mail, fax, telephone or other electronic means when an Alarm Dispatch Request is made;
- (10) Upon the effective date of this Ordinance, Monitoring Companies must maintain for a period of at least one (1) 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 make a written request for copies of such records for individually named Alarm Users. If the request is made within sixty (60) days of an Alarm Dispatch Request, the Monitoring Company shall furnish requested records within three (3) business days of receiving the request. If the records are requested between sixty (60) days to one (1) year after an Alarm Dispatch Request, the Monitoring Company shall furnish the requested records within thirty (30) days of receiving the request; and

- (11) Upon the effective date of this Ordinance, Monitoring Companies must immediately provide the Law Enforcement Authority with the names and phone numbers of the Alarm User's emergency contacts, at the time of the Alarm Dispatch Request or within a reasonable amount of time after the Alarm Dispatch Request if the Law Enforcement Authority calls back to request the information.

(K) An Alarm Installation Company and/or Monitoring Company shall provide the Alarm Administrator with a complete list of active customers, annually, to assist the Alarm Administrator with creating and maintaining the law enforcement's tracking data. The customer information will be provided in a format the Alarm Company is capable of producing and will include the following:

- (1) Permit Number (where applicable)
- (2) Customer name
- (3) Alarm Site address
- (4) Installation or activation date
- (5) Alarm company License number

(L) An Alarm Installation Company and/or Monitoring Company that purchases Alarm System accounts from another **entity** shall notify the Alarm Administrator of such purchase and provide a complete list of the acquired customers, in a format the Alarm Company is capable of producing, that includes the following:

- (1) Permit Number (where applicable)
- (2) Customer name
- (3) Alarm Site address
- (4) Acquisition date
- (5) Alarm company License number

(M) Information provided to a governmental body under this section is confidential and may not be disclosed to the public except as required by law. (Ref. Occupations Code Sec.1702.284)

SECTION 5.1 LICENSE OR LICENSING

All Alarm Installation Companies and Monitoring Companies shall maintain a License through the Texas Department of Public Safety Private Security Bureau. (Ref. Occupations Code Sec. 1702.102)

SECTION 6. 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 Alarm Permit number for the Alarm Site;
- (2) Identification of the Alarm Site;
- (3) Date and time Alarm Dispatch Request was received, including the name of the Monitoring Company and the Monitoring operator name or number;
- (4) Date and time of law enforcement officer arrival at the Alarm Site;
- (5) Zone and Zone description, if available;
- (6) Weather conditions;
- (7) Name of Alarm User's representative at Alarm Site, if any;
- (8) Identification of the responsible Alarm Installation Company or Monitoring Company;
- (9) Whether law enforcement officer was unable to locate the address of the Alarm Site; and
- (10) Cause of alarm signal, if known.

(C) The Alarm Administrator shall establish a procedure for the notification to the Alarm User of a False Alarm. The notice shall include the following information:

- (1) The date and time of law enforcement response to the False Alarm;
- (2) The identification number of the responding law enforcement officer; and
- (3) A statement urging the Alarm User to ensure that the Alarm System is properly operated, inspected, and serviced in order to avoid False Alarms and resulting fines.

(D) 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.

(E) 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.

(F) The Alarm Administrator will make a copy of this Ordinance and/or an Ordinance summary sheet available to the Alarm User.

SECTION 7. FINES

(A) An Alarm User shall be subject to fines, depending on the number of False Alarms within the previous 12-month period based upon the following schedule: **(Ref. Local Government Code 214.197)**

<u># Of False Alarms</u>	<u>Fine</u>
1 – 3 false alarms	\$0

4 – 5 false alarms	\$ 50.00 each
6 – 7 false alarms	\$ 75.00 each
8 false alarms and above	\$100.00 each

(B) An Alarm User may be fined fifty (\$50.00) dollars for failure to provide a Responder when requested by Law Enforcement Authority.

(C) An Alarm User may have the option of completing an Alarm User Awareness Class in lieu of paying one prescribed fine.

(D) If Cancellation occurs prior to law enforcement arriving at the scene, this is not a False Alarm for the purpose of fines, and no fines will be assessed.

(E) If law enforcement takes longer than thirty (30) minutes to respond to the Alarm Dispatch Request, this is not a False Alarm for the purpose of fines, and no fines will be assessed. (Ref. Local Government Code 214.196)

(F) Notice of the right of Appeal under this ordinance will be included with any fines.

SECTION 8. NOTIFICATION

The Alarm Administrator shall notify the Alarm User in writing after each False Alarm. The notification shall include: the amount of the fine for the False Alarm, notice that the Alarm User can attend Alarm User Awareness Class to waive a fine, the fact that response will be suspended after the eighth (8th) False Alarm, excluding Duress, Holdup and Panic Alarms, and a description of the appeals procedure available to the Alarm User.

The Alarm Administrator will notify the Alarm User and the Alarm Installation Company or Monitoring Company in writing thirty (30) days before alarm response is to be suspended. Suspension of alarm response does not apply to Duress, Holdup and Panic Alarms. This notice of suspension will also include the amount of the fine for each False Alarm and a description of the appeals procedure available to the Alarm User and the Alarm Installation Company or Monitoring Company.

SECTION 9. SUSPENSION OF RESPONSE

(A) The Alarm Administrator may suspend law enforcement response to an Alarm Site by revoking the Alarm Permit if it is determined that:

- (1) The Alarm User has had **at a minimum**, eight (8) or more False Alarms in the previous twelve (12) month period; (Ref. Local Government Code 214.195)
- (2) There is a statement of a material fact known to be false in the application for a registration;
- (3) The Alarm User has failed to make timely payment of a fine assessed under Section 7 or fee assessed under Section 3; or
- (4) The Alarm User has failed to submit a written certification from an Alarm Installation Company that complies with the requirements of this article, stating that the Alarm System has been inspected and repaired (if necessary) and/or the Alarm Installation Company has conducted additional training.

(B) A Person commits an offense if he/she operates an Alarm System during the period in which the Alarm Permit is revoked and is subject to enforcement and penalties set in Sections 7 and 12.

(C) Unless there is separate indication that there is a crime in progress, the Law Enforcement Authority will refuse law enforcement response to an Alarm Dispatch Request at an Alarm Site for which the Alarm Permit is revoked.

(D) If the Alarm Permit is reinstated pursuant to Section 11, the Alarm Administrator may again suspend law enforcement response to the Alarm Site by again revoking the Alarm Permit if it is determined that eight (8) False Alarms have occurred within the previous twelve (12) months after the reinstatement date.

SECTION 10. APPEALS

(A) If the Alarm Administrator assesses a fine 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 fine or the revocation of an Alarm Permit to the Alarm Administrator by setting forth in writing the reasons for the appeal within fifteen (15) business days after receipt of the fine or notice of revocation.

(C) The Alarm User or the Alarm Installation Company or Monitoring Company may appeal the decision of the Alarm Administrator to the Law Enforcement Authority as follows:

(1) The applicant, Alarm User, Alarm Installation Company or the Monitoring Company may file a written request for a review by paying an appeal fee of twenty-five (\$25) dollars and setting forth the reasons for the appeal within twenty (20) business days after the date of notification of the decision from the Alarm Administrator. Appeal fees will be returned to the appealing Alarm User, Alarm Installation Company or Monitoring Company if the appeal is upheld.

(2) The Law Enforcement Authority shall conduct a formal hearing within thirty (30) days of the receipt of the request and consider the evidence by any interested Person(s). **The Law Enforcement Authority shall assign a person as a Hearing Official that is not a member of the Law Enforcement Authority to conduct such hearings. This person will make a decision based on the preponderance of evidence presented at the hearing. The Law Enforcement Authority must render a decision within fifteen (15) days after the date of the hearing either affirming or reversing the decision of the Hearing Official.**

[Note: Your municipal attorney should carefully review the stated appeal process to assure compliance with due process]

(D) Filing of a request for appeal shall stay the action by the Alarm Administrator revoking an Alarm Permit or requiring payment of a fine, until the Law Enforcement Authority has completed its review. If a request for appeal is not made within the twenty (20) business day period, the action of the Alarm Administrator is final.

(E) Alarm Administrator or Law Enforcement Authority 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 (4) hours;
- (4) Evidence that the Alarm Dispatch Request was not a False Alarm;
- (5) Evidence that the law enforcement officer response was not completed in thirty (30) minutes or less; and/or **(Ref. Local Government Code 214.196)**

(6) In determining the number of False Alarms, multiple alarms occurring in any twenty-four (24) hour period shall be counted as one False Alarm; to allow the Alarm User time to take corrective action unless the False Alarms are directly caused by the Alarm User.

SECTION 11. REINSTATEMENT

A Person whose Alarm Permit has been revoked may, at the discretion of the Alarm Administrator or the Law Enforcement Authority, have the Alarm Permit reinstated by the Alarm Administrator or the Law Enforcement Authority if the Person:

(A) Submits a new application and pays a fifty (\$50.00) dollar for residential and one hundred (\$100.00) dollar for commercial reinstatement fee;

(B) Pays, or otherwise resolves, all outstanding citations and fines;

(C) Submits a certification from an Alarm Installation Company, stating that the Alarm System has been repaired or adjusted in an attempt to eliminate False Alarms, and that the Alarm Permit holder has been made aware of behavioral issues that may cause False Alarms. This should include but is not limited to the effects of pets, home decorations, changes in the environment on security devices; as well as the need to train anyone that has access to the premises in the proper operation of the Alarm System; and to provide them with a code to arm/disarm the Alarm System and a password to identify themselves to the Monitoring Company in an alarm situation;

(D) Submits a certification from an Alarm Installation Company per the requirements of Texas Occupations Code, Section 1702.286 pertaining to the Alarm Company providing the Alarm User information on:

- (1) The law relating to False Alarms, including potential penalties and the revocation or suspension of an Alarm Permit;
- (2) How to prevent false alarms; and
- (3) How to properly operate the alarm system

(E) Attends an Alarm User Awareness Class developed by the Alarm Administrator.

[Note: The following provision should be carefully considered before adopting into your ordinance, as it could result in a significant cost to the alarm permit holder. It does however address the issue of “Legacy Panels” that cannot be adjusted or repaired to meet the CP-01 Standard for False Alarm Reduction.]

(F) If the Alarm Permit is revoked a second time in the following 12 month period due to excessive False Alarms, the Permit Holder must comply with all of the above referenced items and replace the Control Panel and Arming Station(s) with equipment that meet the requirements of the American National Standards – SIA CP-01 Control Panel Standard Features for False Alarm Reduction. The Alarm Installation Company must certify these equipment upgrades in writing.

SECTION 12. ENFORCEMENT AND PENALTIES

Enforcement of this Ordinance may be by civil action as provided in [*], under municipal law.

* Reference appropriate section of your municipal or state penal code.

SECTION 13. CONFIDENTIALITY

In the interest of public safety, all information contained in and gathered through the Alarm Permit applications,

records relating to Alarm Dispatch Requests and applications for appeals shall be held in confidence by all employees or representatives of the municipality and by any third-party administrator or employees of a third-party administrator with access to such information. The provisions of **Texas Occupations Code 1702.284** shall apply to all records obtained or archived by this ordinance. This information shall not be subject to public inspection. Public interest is served by not disclosing said information to the public and clearly outweighs the public interest served by disclosing said information.

SECTION 14. GOVERNMENT IMMUNITY

Alarm Permit is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure 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 law enforcement response may be influenced **or prevented** by factors such as: the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history.

SECTION 15. SEVERABILITY

The provisions of this Ordinance are severable. If a court determines that a word, phrase, clause, sentence, paragraph, subsection, section, or other provision is invalid or that the application of any part of the provision to any Person or circumstance is invalid, the remaining provisions and the application of those provisions to other Persons or circumstances are not affected by that decision.

Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

This Ordinance shall take effect _____.