

**ORDINANCE NO. 788**

**AN ORDINANCE AMENDING CHAPTER 15 OF THE SOUTHLAKE CODE OF ORDINANCES BY ADDING ARTICLE VI, "ALARM SYSTEMS," THERETO, REQUIRING A PERMIT TO OPERATE AN ALARM SYSTEM; ESTABLISHING CAUSE FOR DENIAL, SUSPENSION, REVOCATION OF ALARM PERMITS; PROVIDING FOR THE TERM OF A PERMIT OF ONE YEAR; PROVIDING FOR ISSUANCE OF CITATIONS; PROVIDING FOR REGULATIONS FOR THE OPERATION OF ALARM SYSTEMS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN PAMPHLET FORM; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Southlake is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, the city staff has recommended the adoption of regulations requiring that each owner of a premises on which an alarm is located obtain a permit for the alarm in order to efficiently respond to emergencies and encourage the proper maintenance and operation of alarm systems.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTHLAKE:**

**SECTION 1.**

Chapter 15 of the Code of Ordinances of the City of Southlake, is hereby amended by adding a new Article VI which shall be and read as follows:

**ARTICLE VI**  
**ALARM SYSTEMS**

**Section 15-210. Purpose.**

- (a) The purpose of this article is to encourage Alarm Users and Alarm Businesses to maintain operational reliability and properly use Alarm Systems and to reduce or eliminate False Alarm Dispatch Requests.
- (b) This ordinance governs alarm systems intended to summon police, fire and EMS responses, requires permits, establishes fees, provides for penalties for violations, establishes a system of administration, and sets conditions for suspension or revocation of permits.

**Section 15-211. Definitions.**

In this article:

- (a) **Alarm Administrator** means a Person or Persons designated by the Director of Public Safety to administer, control and review alarm applications, permits and Alarm Dispatch Requests.
- (b) **Alarm Business** means the business, by an individual, partnership, corporation or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, installing or Monitoring an Alarm System in an Alarm Site.
- (c) **Alarm Dispatch Request** means a notification to the Southlake Department of Public Safety police, fire or EMS by the Alarm Business that an alarm, either manual or automatic has been activated at a particular Alarm Site.
- (d) **Alarm Review Board** shall consist of four members as follows: a communications specialist or other person appointed by the Director, and two (2) members of the public at large, appointed by the Director, and the Alarm Administrator, who shall serve as an ex officio member. The Director shall appoint members to the Board to conduct a hearing and render a decision pursuant to sections 15-224 and 15-226.

- (e) **Alarm Site** means a single premises or location served by an Alarm System or systems. Each tenancy, if served by a separate Alarm System in a multitenant building or complex, shall be considered a separate Alarm Site.
- (f) **Alarm System** means a device or series of devices, including, but not limited to, systems interconnected with radio frequency signals, which are designed to discourage crime or cause a reaction or response by an official agency organized to deal with emergencies, by emitting or transmitting a remote or local audible, visual or electronic signal indicating an alarm condition. 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 a premises that does not have a sounding device which can be heard on the exterior of the Alarm Site.
- (g) **Alarm User** means any Person, firm, partnership, corporation or other entity who (which) uses an Alarm System at its Alarm Site.
- (h) **Director** means the Director of Public Safety or his designated representative.
- (i) **Conversion** means the transaction or process by which one Alarm Business begins Monitoring of an Alarm System previously monitored by another Alarm Business.
- (j) **Duress Alarm** means a silent Alarm Signal generated by the manual activation of a device intended to signal a crisis situation requiring police response
- (k) **EMS** means Emergency Medical Services.
- (l) **False Alarm Dispatch** means an Alarm Dispatch Request to the police, fire or Emergency Medical Services when the responding officer arrives within thirty (30) minutes of the alarm notification and determines from an inspection of the interior or exterior of the premises that the alarm was false, or, if the Alarm Dispatch Request was a medical alarm, when the responding officer finds no evidence of a medical emergency. An Alarm Dispatch Request which is canceled by the Alarm Business or the Alarm User prior to the time the responding officer reaches the Alarm Site shall not be considered a False Alarm Dispatch.

- (m) **False Alarm User Awareness Class** means a class operated by the City for the purpose of educating Alarm Users about the problems created by False Alarm Dispatches and in the responsible use of their Alarm Systems.
- (n) **Holdup Alarm** means a silent Alarm Signal generated by the manual activation of a device intended to signal a robbery in progress.
- (o) **Keypad** means a device that allows control of an Alarm System by the manual entering of a coded sequence of numbers or letters.
- (p) **Monitoring** means the process by which an Alarm Business receives signals from an Alarm System and relays an Alarm Dispatch Request to the city for the purpose of summoning police, fire or emergency medical response to the Alarm Site.
- (q) **Person** means an individual, corporation, partnership, association, organization or similar entity.
- (r) **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.
- (s) **Verify** means an attempt, by the Alarm Business, or its representative, to contact the Alarm Site by telephonic or other electronic means, whether or not actual contact with a Person is made, before requesting a police dispatch, in an attempt to avoid an unnecessary Alarm Dispatch Request.

**Section 15-212. Permit required; application; fee; transferability; false statements.**

- (a) A person commits an offense if the person operates, or causes to be operated, an Alarm System without a valid alarm permit issued by the Alarm Administrator. A separate permit is required for each Alarm Site.
- (b) A special permit/classification shall be required for an Alarm System equipped for Duress Alarm.
- (c) Each permit application must be made on a form provided by the Alarm Administrator and must include the following information:

- (1) the name, address, 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, commercial or apartment;
  - (3) for each Alarm System located at the Alarm Site, the purpose of the Alarm System, i.e., burglary, holdup, duress, fire, medical or other;
  - (4) signed certification from the Alarm User and the Alarm Business stating:
    - (i) the date of installation, Conversion or Takeover of the Alarm System, whichever is applicable;
    - (ii) the name, address, and phone number of the Alarm Business performing the Alarm System installation, Conversion or Alarm System Takeover and responsible for providing repair service to the Alarm System;
    - (iii) the name, address, and phone number of the Alarm Business Monitoring the Alarm System if different from the installing Alarm Business;
    - (iv) 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; and
    - (v) that the Alarm Business has trained the applicant in proper use of the Alarm System, including instructions on how to avoid false alarms.
  - (5) classification of the Alarm Site as being equipped or non-equipped for Duress Alarm.
- (d) Upon receipt of a completed application form and the permit fee, the Alarm Administrator shall issue an alarm permit to an applicant unless the applicant has:
- (1) failed to pay a fine assessed under Section 15-223; 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; or
  - (3) made a false statement of a material matter for the purpose of obtaining an alarm permit.
- (e) An applicant for an annual alarm permit shall pay a permit fee in the amount established by the City Council.
  - (f) Any false statement of a material matter made by an applicant for the purpose of obtaining an alarm permit shall be sufficient cause for refusal to issue a permit.
  - (g) An alarm permit cannot be transferred to another Person. An Alarm User shall inform the Alarm Administrator of any change that alters any information listed on the permit application within five business days.
  - (h) All fees owed by an applicant must be paid before a permit may be issued or renewed.
  - (i) To the extent permitted by law, all employees or representatives of the city with access to information contained in permit applications shall hold such information in confidence.

**Section 15-213. Alarm systems in apartment complexes - contracted for by individual tenant.**

- (a) If an Alarm System installed by an individual tenant in an apartment complex unit is Monitored, the tenant must provide the name of a representative of the apartment owner or property manager who can grant access to the apartment to the Alarm Business which is providing the Monitoring service.
- (b) A tenant of an apartment complex shall obtain an alarm permit from the Alarm Administrator before operating or causing the operation of an Alarm System in the tenant's residential unit. The annual fee for this permit or the renewal of this permit shall be the same as the fee for a residential Alarm Site.
- (c) For purposes of enforcing this ordinance, the tenant is responsible for False Alarm Dispatches emitted from the Alarm System in the tenant's residential unit.

**Section 15-214. Alarm systems in apartment complexes - furnished by the apartment complex as an amenity.**

- (a) If the owner or property manager of an apartment complex provides Alarm Systems in each residential unit as an amenity, then the owner or property manager of the apartment complex shall obtain a master alarm permit from the Alarm Administrator. The annual fee for this permit and for each renewal for this permit shall be \$10 per residential unit per year. All units, whether occupied or not, shall be included in calculating the required fee.
- (b) For purposes of assessing fines and enforcing this article, the master alarm permit holder is responsible for payment of fines for False Alarm Dispatches emitted from the Alarm Systems in residential units, whether or not occupied.
- (c) The owner or property manager of an apartment complex shall obtain a separate alarm permit for any Alarm System operated in a nonresidential area of the apartment complex, including, but not limited to, common tenant areas and office, storage and equipment areas. The fee for such a permit shall be the same as the fee for a residential Alarm System.

**Section 15-215. Permit duration; renewal.**

An alarm permit shall be valid from October 1 of the year issued through September 30 of the following year. A permit holder must renew an alarm permit annually by submitting an updated application and a permit renewal fee to the Alarm Administrator. The Alarm Administrator shall notify each Alarm User of the need to renew at least 30 days prior to the expiration of his permit. It is the responsibility of the Alarm User to submit an application prior to the permit expiration date. Failure to renew will be classified as use of a non-permitted Alarm System.

**Section 15-216. Alarm systems operation; maintenance.**

- (a) An Alarm User shall:
  - (1) maintain the premises and the Alarm System in a manner that will
    - (i) minimize or eliminate False Alarm Dispatches; and

- (ii) ensure proper operation of the Alarm System.
  - (2) respond or cause a representative to respond to the Alarm System's location within 30 minutes when notified by the city to deactivate a malfunctioning Alarm System, to provide access to the premises, or to provide security for the premises; and
  - (3) not manually activate an alarm 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 10 minutes after being activated [or 15 minutes for systems operating under Underwriters Laboratories, Inc. standards 365 or 609].
- (c) An Alarm User shall have an Alarm Business inspect his Alarm System after three False Alarm Dispatches in a preceding twelve month period. After three False Alarm Dispatches, the Alarm User must have an Alarm Business modify the Alarm System to be more false alarm resistant, or provide additional user training, whichever is appropriate.

**SECTION 15-217. Monitoring procedures.**

- (a) An Alarm Business performing Monitoring services shall:
- (1) report alarm signals by using telephone numbers designated by the Alarm Administrator;
  - (2) attempt to Verify every alarm signal, except a duress or hold up alarm activation, before requesting a police response to an alarm signal;
  - (3) communicate Alarm Dispatch Requests to the city in a manner and form determined by the Alarm Administrator;
  - (4) communicate verified cancellations of Alarm Dispatch Requests 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 Alarm are given adequate training as to the proper use of the Duress Alarm.



- (b) The Alarm Administrator shall:
- (1) designate a manner, form and telephone numbers for the communication of Alarm Dispatch Requests;
  - (2) develop a procedure to accept verified cancellation of Alarm Dispatch Requests; and
  - (3) Determine the appropriateness and number of direct installed alarm panels at DPS facilities.

**SECTION 15-218. Duties of alarm business.**

A person commits an offense, if after October 1, 2000, the person installs a device for activating a hold-up alarm which is a single action non-recessed button.

**SECTION 15-219. Alarm system operating instructions.**

An Alarm User shall maintain at each Alarm Site a set of written operating instructions for each Alarm System.

**SECTION 15-220. Alarm dispatch request records.**

- (a) The officer responding to an Alarm Dispatch Request shall insure that such information is recorded as necessary to permit the Alarm Administrator to maintain records, including, but not limited, to the following information:
- (1) identification of the permit number for the Alarm Site;
  - (2) identification of the Alarm Site;
  - (3) arrival time at the Alarm Site and dispatch received time;
  - (4) date and time;
  - (5) weather conditions;
  - (6) area and/or sub-area of premise involved;

- (7) name of Alarm User's representative on premises, if any;
  - (8) identification of the responsible Alarm Business; and/or
  - (9) inability to locate the address.
- (b) The responding officer shall indicate on the dispatch record whether the dispatch was caused by a criminal offense, an attempted criminal offense, fire, medical response, or was a False Alarm Dispatch.
- (c) In the case of an assumed False Alarm Dispatch, the responding officer shall leave notice at the Alarm Site that the department has responded to a False Alarm Dispatch. The notice shall include the following information:
- (1) the date and time of response to the False Alarm Dispatch;
  - (2) the identification number of the responding officer; and
  - (3) a statement that forced entry may be required if unable to determine nature of the alarm.
- (d) Each Alarm Businesses which perform Monitoring services must maintain for a period of at least one year following request for dispatch to an Alarm Site, records relating to the dispatch. The Alarm Business shall make the records available to the Alarm Administrator. Records must include:
- (1) the name, address and phone number of the Alarm User,
  - (2) the Alarm System zone(s) or point(s) activated,
  - (3) the time of request for police dispatch; and
  - (4) evidence that an attempt to Verify was made to the Alarm Site prior to the request for police dispatch.

**SECTION 15-221. System performance reviews.**

If there is reason to believe that an Alarm System is not being used or maintained in a manner that ensures proper operation and suppresses false alarms, the Alarm Administrator may require a conference with an Alarm User and the Alarm Business

responsible for the repair of the Alarm System to review the circumstances of each False Alarm.

**SECTION 15-222. False alarm user awareness class.**

The Alarm Administrator shall oversee the creation and implementation of a False Alarm User Awareness Class. This program shall be a minimum of one hour in length and shall inform Alarm Users of the problems created by False Alarm Dispatches and teach Alarm Users how to operate their Alarm Systems without generating False Alarm Dispatches.

**SECTION 15-223. Fees.**

- (a) An Alarm User or the master permit holder for an apartment complex shall be subject to warnings and suspension or revocation of permit, and payment of a fee, depending on the number of False Alarm Dispatches emitted from an Alarm System within the preceding 12-months based upon the following schedule:

Number of False  
Alarm Dispatches  
Within 12 Months

Action

1	On Site Written Notice
2	On Site Written Notice & Warning Letter #1
3	On Site Written Notice & Warning Letter #2
4	On Site Written Notice & Suspension Notice
5	On Site Written Notice & Revocation of Permit
6 +	On Site Written Notice & Citation Issuance and/or \$50 fee

- (b) An Alarm User shall, after the fourth False Alarm Dispatch, have the option of attending a False Alarm User Awareness Class in lieu of suspension.
- (c) An Alarm Dispatch Request caused by actual criminal offense or with evidence of a criminal attempt or with evidence of smoke or the need for EMS shall not be counted as a False Alarm Dispatch.
- (d) The Alarm Administrator may reinstate a suspended permit if the person submits evidence that the cause of the false alarm has been determined and corrected or that any defective part of the Alarm System has been repaired or replaced.

- (e) The Alarm User shall pay a service fee of \$50 for each false alarm notification in excess of five that is emitted from an Alarm Site within a 12 month period.
- (f) The Alarm Administrator shall notify the Alarm User of the fee:
  - (1) personally to the Alarm User in writing; or
  - (2) by letter addressed to the owner of the premises upon which the False alarms occurred, at the owner's address as recorded in the Tarrant Appraisal District records.
- (g) If the Alarm Administrator mails a notice to a person in accordance with Subsection (f), and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected and the notice is considered as delivered as of the date of the return.

**SECTION 15-224. Appeal from fees.**

- (a) An Alarm User may appeal assessment of a fee to the Alarm Review Board by filing a written request for hearing with the Alarm Administrator setting forth the reasons for the appeal. The appeal shall be filed within 10 days after receipt or delivery of the notice. The filing of a request for an appeal hearing with the Alarm Review Board stays the assessment of the fee until the Alarm Review Board makes a final decision.
- (b) The Alarm Review Board shall conduct a hearing and consider the evidence presented by any interested Person(s). The Board shall make its decision on the basis of the preponderance of evidence presented at the hearing, including, but not limited to, evidence that a False Alarm Dispatch was caused by a defective part that has been repaired or replaced or that an Alarm Dispatch Request was caused by a criminal offense.
- (c) The Board will render a decision within 30 days after the request for an appeal hearing is filed. The Board shall affirm, reverse or modify the assessment of the fee. The decision of the Board is final as to administrative remedies with the City.

**SECTION 15-225. Revocation or suspension of permit.**

- (a) In addition to suspension or revocation pursuant to Section 15-223, the Alarm Administrator may suspend or revoke an alarm permit if it is determined that the permit holder:

- (1) made a false statement of a material matter in the application for a permit;
  - (2) failed to make timely payment of a fee assessed under Section 15-223; or
  - (3) has committed a violation of Section 15-216.
- (b) A person commits an offense if he operates an Alarm System during the period in which his alarm permit is suspended or revoked.
- (c) If the alarm permit is reinstated upon appeal, the Alarm Administrator may revoke the alarm permit if it is determined that two subsequent False Alarm Dispatches occur within 60 days after the reinstatement date.
- (d) The Director may refuse police response to an Alarm Dispatch Request at an Alarm Site for which the alarm permit is revoked or there is no permit, unless the permit holder has paid all fees.

**SECTION 15-226. Appeal from denial, suspension or revocation of a permit.**

- (a) If the Alarm Administrator denies the issuance or renewal of a permit, or suspends or revokes a permit, he or she shall send written notice of this action and a statement of the right to an appeal, by certified mail, return receipt requested, to both the applicant or Alarm User and the Alarm Business.
- (b) The Alarm Administrator shall give notice to the Alarm User of the suspension or revocation:
- (1) personally to the Alarm User in writing; or
  - (2) by letter addressed to the Alarm User at the address listed on the application.
- (c) If the Alarm Administrator mails a notice to a person in accordance with Subsection (d), and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected and the notice is considered as delivered as the date of the return.

- (d) The applicant or Alarm User may appeal the decision of the Alarm Administrator to the Director by filing a written request for a review setting forth the reasons for the appeal within 10 days after receipt of the notice from the Alarm Administrator. An Alarm Business may submit the request for review on behalf of an Alarm User. If a request for appeal is not made within the 10 day period, the action of the Director is final.
- (e) Filing of a request for appeal shall stay the action by the Alarm Administrator suspending or revoking a permit until the Director has completed his/her review of the appeal.
- (f) If the Director sustains the denial or revocation of the permit, an Alarm User may appeal and request a hearing before the Alarm Review Board within 10 days of receipt of notice of the Director's decision. An Alarm Business may submit a request for hearing on behalf of an Alarm User.
- (g) The Alarm Review Board shall conduct a hearing and consider the evidence by any interested person(s). The Board shall make its decision on the basis of a preponderance of the evidence presented at the hearing, including, but not limited to, certification that the Alarm User has been retrained, that a defective part has been repaired or replaced, or that the cause of the false alarm has been otherwise determined and corrected. The Board must render a written decision within 10 days after the request for an appeal hearing is filed. The Board shall affirm, reverse, or modify the action of the Director. The decision of the Board is final as to administrative remedies with the City.

#### **SECTION 15-227. Reinstatement of permit.**

A Person whose alarm permit has been revoked may be issued a new permit if the Person:

- (a) Submits an updated application and pays the permit fee;
- (b) Pays, or otherwise resolves, all outstanding fees; and
- (c) Submits a certification from an Alarm Business stating that the Alarm System has been inspected and repaired, if necessary, by the Alarm Business.

#### **SECTION 15-228. Violations.**

A person commits an offense if the person knowingly, intentionally, or recklessly violates by commission or omission any provision of this article that imposes upon him a duty or responsibility and is subject to a fine not more than \$500 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

## **SECTION 2.**

This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Southlake, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

## **SECTION 3.**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

## **SECTION 4.**

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Five Hundred Dollars (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

## **SECTION 5.**

All rights and remedies of the City of Southlake are expressly saved as to any and all violations of the provisions of the Code of Ordinances of the City of Southlake, as amended, relating to false alarms and alarm systems or any other ordinances affecting alarm systems which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

## **SECTION 6.**

The City Secretary of the City of Southlake is hereby authorized to publish this ordinance in book or pamphlet form for general distribution among the public, and the operative provisions of this ordinance as so published shall be admissible in evidence in all courts without further proof than the production thereof.

## **SECTION 7.**

The City Secretary of the City of Southlake is hereby directed to publish the proposed ordinance or its caption and penalty together with a notice setting out the time and place for a public hearing thereon at least ten (10) days before the second reading of this ordinance, and if this ordinance provides for the imposition of any penalty, fine or forfeiture for any violation of any of its provisions, then the City Secretary shall additionally publish this ordinance or its caption and penalty in the official City newspaper one time within ten days after final passage of this ordinance, as required by Section 3.13 of the Charter of the City of Southlake.

## **SECTION 8.**



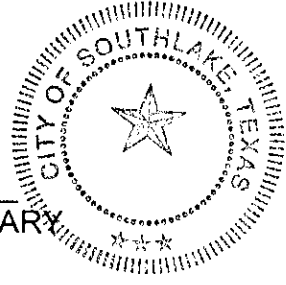
This ordinance shall be in full force and effect from and after the 21 day of September, 2000 and it is so ordained.

PASSED AND APPROVED ON FIRST READING THIS 5 DAY OF September, 2000.

Rich Stacy  
MAYOR

ATTEST:

Samuel K. Williams  
CITY SECRETARY

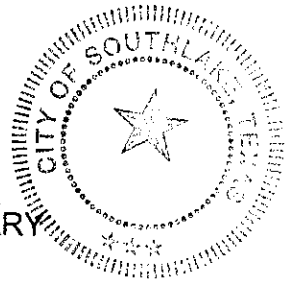


PASSED AND APPROVED ON SECOND READING THIS 19 DAY OF September, 2000.

Rich Stacy  
MAYOR

ATTEST:

Samuel K. Williams  
CITY SECRETARY



EFFECTIVE: September 21, 2000

APPROVED AS TO FORM:  
Amalecia Muncy  
City Attorney