

Office of the City Manager

City of Richland Hills, Texas

Memorandum

To: Honorable Mayor Bill Agan and members of the Richland Hills City Council
From: Barbara Childress, Chief of Police
Date: June 10, 2014
Subject: Alarm Ordinance

Council Action Requested:

Consider adopting an Alarm Ordinance.

Background Information:

The Richland Hills Police Department spends considerable amounts of time responding to false alarms from residential and commercial alarm systems. Approximately 95% of all alarms in Richland Hills are false. Responding to these false alarms becomes a time drain on personnel in which they could be more effectively serving the community. One of the ways many cities in the area have reduced the number of false alarms is through the adoption and enforcement of an Alarm Ordinance.

The purpose of an Alarm Ordinance is to provide standards and regulations which encourage the proper operation of alarm systems. Alarm ordinances significantly reduce false alarm responses, save tax dollars, enhance alarm system operation and enhance officer safety.

The alarm program would be managed by PMAM, a private alarm management company in Irving, relieving staff from this onerous task. I would like to go over some of the details of what would be included in an Alarm Ordinance and the potential benefits to the department and the City.

Board/Citizen Input: N/A

Financial Impact: N/A

Staff Contacts:

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Chief of Police

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Attachments:

Draft city ordinance

PMAM contract

Copy of PowerPoint presented to City Council 11/15/13

APPENDIX A TO RICHLAND HILLS ALARM ORDINANCE

Alarm Verification and Notification Procedures

1 Scope

This standard has been prepared under the direction of the Security Industry Standards Council (SISC) members with the participation of Central Station Alarm Association (CSAA) members, Security Industry Association (SIA) members, Electronic Security Association (ESA) members, ASIS members and Canadian Alarm Association (CANASA) members. This standard has been developed to allow a consistent method for processing audio enabled alarms and to achieve increased efficiencies by reducing costs and eliminating wasteful efforts associated with potential false alarms. This standard is to be used by alarm monitoring facilities and by state and local units of government in their development of consistent administration criteria for alarms. New technologies and successful efforts to reduce false alarms have led to this standard.

1.1 General

If differences exist between this standard and other Special Instructions with the monitored premises, the Special Instructions shall take precedence.

1.2 Definitions

1.2.1 Alarm Verification

Alarm verification is a generic name given to many techniques used (1) to permit authorized personnel to appropriately identify themselves, thereby preventing emergency response agencies from being requested to respond to situations that do not represent an emergency; and (2) to confirm or deny the validity of alarm signals received at a Central Station or monitoring facility.

1.2.2 Code

Any combination of numbers, letters or word that is only known to the subscriber, recorded in the central station that uniquely identifies a person on the other end.

1.2.3 Enhanced Verification

Enhanced Verification is the attempt by monitoring facility personnel to verify that no emergency appears to exist, at the monitored premises, by means of more thorough procedures such as two (2) or more verification calls, live audio or video, cross zoning, other means or a combination of these procedures.

1.2.4 Audio Verification

An event activated method that provides live real time audio from the protected premises to the central station that enables the monitoring agency to verify whether activity is occurring that appears to warrant the immediate emergency response of responding agencies.

1.2.5 High-risk

Is a term used to describe premises and/or alarm types that logically present greater opportunity for harm and/or loss.

1.2.6 NRTL Certificated Service

The term NRTL Certificated Service, as used in this document, refers to burglar alarm systems that have a Nationally Recognized Testing Laboratory (NRTL) certificate in force and therefore follow verification procedures outlined in UL 827, UL 2050, ULC S301 or ULC S304 Standards.

1.2.7 Types of Audio Verification

Two broad forms of verification may be employed. These include:

1.2.7.1 Listen-In or Listen Back or One-Way Audio

An audio device capable of being activated by the initiation of another security device. A one-way audio feed will be available to the monitoring facility when a device such as a hold-up button, audio detector or door contact has come into alarm.

1.2.7.2 Two-Way Audio

An event driven, two-way, hands free communications session at the premise with the monitoring facility caused by the activation of an alarm event at the premise for the purpose of verifying the validity of an alarm condition and/or gain additional information regarding the cause of the condition.

1.2.7.3 Impact Activated Audio

An audio device capable of being activated by the sounds of an intrusion or unauthorized entry. The audio device after activation will cause the control panel to contact the central station and provide the premise sound.

1.2.8 Methods of Verification

1.2.8.1 Electronic Verification

An electronic signal transmitted to the monitoring facility that indicates to its personnel or to its dispatch computer that no emergency appears to exist.

1.2.8.2 Verbal

A personal contact by means of telephone or audio conversation with an authorized pass code holder or other authorized person for the protected premises to verify that no emergency exists.

1.2.9 Notification Call

The call to the law enforcement authority, such as police, fire emergency or medical emergency rescue.

1.2.10 Dispatch

Notification of law enforcement agency as defined in 1.3. a guard, guards, a runner, runners, other response entities or predetermined combination of the above to respond to the premises.

1.2.11 Special Instructions

A separate set of instructions from the monitoring contract document, that specifies a specific set of instructions to be followed in the event of an alarm, between the monitored premises and the alarm/monitoring company.

1.2.12 Audio Device

Hardware that produces or hears sounds.

1.2.13 Security Device

Hardware that detects a change in a protective status such as a motion detector or door contact.

1.2.14 Alarm Event

A change in status that indicates an emergency situation and call to action.

1.2.15 Call Back Mode

The state of readiness by the audio verification system where a ring on the telephone line will result in the audio verification system immediately taking the telephone line off hook in order to permit a two way voice interval.

1.2.16 Capture

The event of the audio verification system holding the line off-hook after the digital communicator has received an acknowledgment from the monitoring station.

2 Standard Verification Procedures for Burglar Alarm Signals

2.1 Procedures for Alarm Signals Received from Systems without “NRTL Certified” Service with Audio Verification Capabilities

Unless Special Instructions exist to indicate otherwise monitoring facility personnel shall communicate via the audio verification system with the protected premises for identification and verification of persons authorized to be on the customer’s premises.

2.1.1 Two-Way Audio Verification

To insure all reasonable efforts are expended in attaining a verification of an alarm condition and avoiding the necessity for a dispatch the following best practices shall be carried out:

2.1.1.2 Initial Verification Session

Upon receipt of an alarm condition the central station operator will initiate the audio session via capture, call back mode or impact activated audio according to the manufacturers stated command set (most current manufacturers comply with the SIA Audio Verification Standard command set). Upon initiation the central station operator will challenge the user on the premises for a valid code. Upon acknowledgment of valid code, alarm dispatch will be avoided and the central station operator can continue to communicate with the verified, valid user on premises.

2.1.1.3 If No Contact

If there is no response or non-communication with the premises via the two-way audio session, the monitoring facility personnel shall make a second attempt via a standard telephone call to an alternate phone number(s) such as a premise, cellular or work number and if the authorized person states that no emergency exists, responding entities shall not be notified or shall be recalled. The operator will disconnect the two-way audio session via manufacturers stated command set.

2.1.1.4 Wrong Code

If communication is established with the premise and a valid code is not communicated by the person(s) on premise via the two-way audio session, the monitoring facility personnel shall make a notification call to the proper responding agency. The operator will disconnect the two-way audio session via manufacturers stated command set. Upon proper termination the operator will dial the responding agencies telephone number.

2.1.1.5 If Audio Communication is Established

If contact is made via the audio verification system, the monitoring facility personnel shall obtain pass code verification or other electronic identification that the person is authorized to be on the premises. Upon receipt of correct identification, and the authorized person states that no emergency exists, responding agencies shall not be notified or shall be recalled, if already notified, and the alarm is considered aborted.

2.1.1.6 No Code

If no code or authorization is provided, the monitoring facility personnel shall attempt to reach an authorized person off premises to verify the authenticity of the on premises person, and failing that shall make a Notification Call. Further explanatory material on this can be found in Annex A.

2.1.2 High-risk, Listen-In One-Way Audio Systems

The general purpose of this technology and service is to allow the monitoring facility to gain additional information from the protected premise on certain alarm conditions that are not verified such as hold up or ambush alarm conditions.

2.1.2.1 Alarm Processing Session

2.1.2.1.1 Upon receipt of an alarm condition the primary central station operator will initiate the audio session according to the manufacturers stated command set (most current manufacturers comply with the SIA Audio Verification Standard command set).

2.1.2.1.2 Upon initiation the primary central station operator will be in a “Listen Only” status and will not communicate with the premise and will continue to maintain the “Listen In” session while the next step (2.1.2.1.3) is implemented.

2.1.2.1.3 During the Listen In period another, secondary, operator will proceed to execute the notification instructions.

Note: Should the primary operator, listening to the premises, hear a valid code, the dispatching, secondary operator, will be notified and an effort to cancel or abort notification will be attempted. If notification is already complete, the secondary operator will notify the dispatching authority that a valid code has been heard.

2.2 Procedures for Alarm Signals Received from Systems with NRTL Certificated Service

Signals received from certificated systems shall be handled in accordance with the procedures defined in UL Standard 827, UL 2050, ULC S301 or ULC S304.

3 Enhanced Audio Verification of Burglar Alarm Signals

3.1 Extended Time

The maximum time permitted for enhanced verification of a non-certificated system can be extended beyond the time constraints imposed for certificated systems defined in UL 827, UL 2050, ULC S301 or ULC S304.

3.2 Procedure

For burglary alarm signals received from non-certificated commercial burglary alarm systems or any residential alarm system, the following procedures shall be followed (further explanatory material on this can be found in Annex A).

3.2.1 Audio Verification Session - Attempt #1

The monitoring facility shall attempt an audio verification with the protected premises after receipt of the alarm signal. The procedure defined in **2.1.1.5** above shall be followed if audio contact is made with premises. Otherwise proceed to 3.2.2.

3.2.2 Attempt #2

When monitoring facility personnel cannot attain contact or verification during the first attempt to the protected premises, a second attempt via a standard telephone call shall be made to an alternate phone number(s) such as a premise, cellular or work number and if the authorized person states that no emergency exists, responding entities shall not be notified or shall be recalled, if already notified, and the alarm considered aborted.

3.3 Answering Machines

When any call reaches a recording voice medium i.e. answering machine, voice mail a message shall be left, clearly stating that it is the alarm company calling and leaving necessary information for the alarm user to promptly contact the monitoring facility.

3.4 Scheduled Events

If an alarm signal is received in connection with a scheduled opening or closing event, additional telephone numbers shall be called on the call list in order to determine whether the alarm signal is caused by an opening or closing error. If no answer or no determination can be made that a false alarm exists, a Notification Call shall occur.

3.5 Verified False

If the alarm is verified as being false during the first, second or succeeding calls, monitoring facility personnel shall suspend activities relating to the specific signal being worked.

3.6 Call Lists and Priority

Following the Notification Call, attention shall be placed on contacting the emergency call list, to achieve a cancellation of the notification if it is determined that no emergency exists.

3.7 Compliance with Enhanced Call Verification

The Audio verification procedure defined in 3.2.1 shall be in compliance with the CSAA's published Enhanced Verification Standard (CS-V-01).

4 Hold-Up

4.1 Commercial Hold-Up Alarm

The monitoring facility shall follow the Standard Verification Procedures as defined in section 2.1.2.

4.2 Residential Panic/Duress/Emergency Alarm

The monitoring facility shall follow the Standard Verification Procedures as defined in section 2.0.

5.1 Coverage

Installation of microphones and/or speakers shall be installed in accordance with manufacturer's recommendations and instructions.

ANNEX A TO APPENDIX A TO RICHLAND HILLS ALARM ORDINANCE

A.2.1.2.1

If the monitoring facility personnel reaches the protected premises on the first or second call and the person answering the phone does not have the proper code then, if possible, the personnel may attempt to make a 3-way call with the premises person retained as a party to the call. The monitoring facility personnel may attempt to reach others on the call list to verify the authenticity of the person on the protected premises. If this process fails to resolve the issue then the monitoring facility personnel should proceed to make a Notification Call.

A 3.2

Verification Phone Accessibility Guideline. Care should be taken to verify that the emergency call list phone numbers are to phones without call waiting, or alternately that *70 is programmed in front of the monitoring center phone number in the electronic digital communicator. The verification phones at the monitored premises should be accessible after hours (not locked up in an office), such as in the vicinity of commonly used entrances and not be sent to voice mail after hours so the after hours users and cleaning people can hear and answer the phone.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF RICHLAND HILLS, TEXAS AMENDING ARTICLE III, AMBULANCES OF CHAPTER 30, EMERGENCY SERVICES OF THE CODE OF ORDINANCES OF THE CITY OF RICHLAND HILLS, TEXAS; RESERVING CERTAIN SECTIONS; CREATING ARTICLE IV, ALARM SYSTEMS OF CHAPTER 30, EMERGENCY SERVICES OF THE CODE OF ORDINANCES OF THE CITY OF RICHLAND HILLS, TEXAS; PROVIDING FOR REQUIREMENTS FOR ALARM SYSTEM PERMITS; PROVIDING FOR THE REVOCATION OF ALARM PERMITS IN CERTAIN CIRCUMSTANCES; PROVIDING FOR THE DUTIES OF ALARM COMPANIES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the number of false alarms responded to by Police Department personnel is substantial; and

WHEREAS, the City desires to reduce the number of false alarm notifications by encouraging the proper design, installation, operation and maintenance of alarm systems; and

WHEREAS, it is desirable to recover costs associated with alarm regulation and false alarms as much as possible to minimize waste and maximize efficient utilization of available Police Department resources; and

WHEREAS, the Texas Legislature has enacted laws affecting alarm systems; and

WHEREAS, due to these laws and the interests stated above, the City Council deems it necessary to enact an ordinance regulating alarm systems in the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RICHLAND HILLS, TEXAS:

SECTION 1.

The Code of Ordinances, City of Richland Hills, is hereby revised by amending Article III "AMBULANCES" of Chapter 30 "EMERGENCY SERVICES" by adding Sections 30-63 through 30-79 to read as follows:

Secs. 30-63—30-79. Reserved.

SECTION 2.

The Code of Ordinances, City of Richland Hills, is hereby revised by amending Chapter 30 "EMERGENCY SERVICES" by adding a new Article IV "ALARM SYSTEMS" to read as follows:

ARTICLE IV. ALARM SYSTEMS

DIVISION 1. GENERALLY

Sec. 30-80. 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 or requires a different meaning:

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

Alarm Administrator means the Chief of Police or his designated representative who shall administer, control and review False Alarm reduction efforts and administer the provisions of this Ordinance.

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 Persons 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").

Alarm Notification means a notification to the police department that an alarm, either manual or automatic, has been activated at a particular Alarm Site.

Alarm Permit means the authorization granted by the Alarm Administrator to an Alarm User to operate an Alarm System. *Alarm Permit* means the same as "permit" as defined in Section 214.191(2) of the Local Government Code.

Alarm Site means a single fixed premises or location (one street or apartment address) 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 office building or apartment 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 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.

Alarm System means a device or series of devices, including, but not limited to, a control panel, all types of sensors, and Arming Station(s), which emit or transmit a remote or local audible, visual or electronic signal indicating an alarm condition and intended to summon law enforcement response, including Unmonitored Alarm Systems. An Alarm System may include, but is not limited to, hardwired systems and systems interconnected with a radio frequency method (such as cellular or private radio signals). Alarm System does not include:

- (1) An alarm installed in a vehicle or on someone's person unless the vehicle or the personal alarm is permanently located at a site; or
- (2) An alarm designed to alert only the inhabitants of a premise.

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 Unmonitored Alarm System.

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

Automatic Voice Dialer or Direct Dial System 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 the police department requesting dispatch.

Cancellation means the process where a response is terminated when a Monitoring Company (designated by the Alarm User) for the Alarm System 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 Notification.

City means the City of Richland Hills, Texas.

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 Installation Company or Monitoring Company.

Director means the City Manager or the City Manager's authorized representative.

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 police department response.

False Alarm means an Alarm Notification to the police department, when the responding personnel find no evidence of unauthorized intrusion, attempted unauthorized intrusion, robbery, attempted robbery or an attempt to take a person hostage and the responding personnel arrived within 30 minutes of the notification.

Hold-up Alarm means a silent Alarm System signal generated by the manual activation of a device intended to signal a robbery in progress or immediately after it has occurred.

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

Monitoring means the process by which a third-party, including but not limited to a Monitoring Company, receives signals from an Alarm System and relays an Alarm Notification to the police department for the purpose of summoning police department personnel to the Alarm Site.

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

One Plus Duress Alarm means the manual activation of a silent Alarm System 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).

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 police department response.

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

Responder means an individual capable of reaching the Alarm Site within forty-five (45) minutes and having access to the Alarm Site, the code to the Alarm System and the authority to approve repairs to the Alarm System.

SIA Control Panel Standard CP-01 means the ANSI – American National Standard Institute approved Security Industry Association – SIA CP-01 Control Panel Standard, as may be updated from time to time, that details recommended design features for security system control panels and their associated arming and disarming devices to reduce the incidence of false alarms. Control panels built and tested to this standard by Underwriters Laboratory (UL), or other nationally recognized testing organizations, will be marked to state: “Design evaluated in accordance with SIA CP-01 Control Panel Standard Features for False Alarm Reduction.”

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.

Unmonitored Alarm System means an Alarm System that is not monitored, maintained, or repaired under contract with a third-party that is capable of emitting a signal at an Alarm Site that is audible or visible from the exterior of the premises.

Verify means an attempt by the Monitoring Company to determine the validity of an Alarm System signal prior to requesting police department personnel to respond. The Verification process to be utilized is described in Appendix A, Alarm Verification and Notification Procedures with Annex A thereto, which are attached to this Ordinance and are made a part hereof by reference. A copy of the procedures is available from the Richland Hills Police Department Communications Section.

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.

DIVISION 2. ALARM PERMIT

Sec. 30-81. Permit Required; Application: Fee; Transferability; False Statements

- (a) A Person commits an offense if he installs, operates or causes to be operated an Alarm System without a valid Alarm Permit from the Alarm Administrator. A separate Alarm Permit is required for each Alarm Site.
- (b) The Director shall refuse police response to any Alarm Notification from an Alarm Site that does not have a valid Alarm Permit, unless the Alarm Notification was:
 - (1) a Duress Alarm;
 - (2) a Hold-up Alarm;

- (3) a Panic Alarm; or
 - (4) reported to a 9-1-1 emergency telephone number or to the police department by a person other than the Monitoring Company.
- (c) Upon receipt of a true and completed Alarm Permit application form and payment of the applicable nonrefundable fee, the Alarm Administrator shall issue an Alarm Permit to an applicant unless the applicant has failed to pay a fee or penalty assessed under this Article or has had an Alarm Permit for the Alarm Site revoked and the violation causing the revocation has not been corrected.
- (d) Each Alarm Permit application must contain the following information:
- (1) Name, address, and telephone number of the Person who will be the Alarm Permit holder and will be responsible for the proper maintenance and operation of the Alarm System and payment of fees assessed under this Article;
 - (2) Classification of the Alarm Site as a Residential Site, Commercial Site, Educational Site, or Government Site;
 - (3) For each Alarm System located at the Alarm Site, the purpose of the Alarm System, such as, burglary alarm, Duress Alarm, Hold-up Alarm, or Panic Alarm;
 - (4) The names and phone numbers of two (2) people that, when notified by the police department, will come to the Alarm Site within forty-five (45) minutes, if requested, to terminate the Alarm System signal and secure the property; and
 - (5) Any other information required by the Director which is necessary for the enforcement of this Chapter.
- (e) Application for an Alarm Permit under the provisions of this Article constitutes a grant of approval from the applicant to the City to deactivate the Alarm System covered by the application if it sounds an Alarm System signal for longer than thirty (30) minutes.
- (f) An Alarm Permit shall be effective for one (1) year from the date of issuance and must be renewed annually on or before that date.
- (g) All fees and penalties owed by an applicant must be paid before an Alarm Permit may be issued or renewed.
- (h) An Alarm Permit cannot be transferred to another Person. An Alarm Permit holder shall inform the Alarm Administrator of any change that alters any

information listed on the permit application within five (5) business days of the change. No fee will be assessed for those changes.

- (i) A new Alarm Permit application must be filed for approval by the Alarm Administrator when there is a change of the Alarm User or in the ownership or control of the Alarm Site.
- (j) 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.

Sec. 30-82. Alarm Systems in Apartment Complexes.

- (a) A tenant of an apartment complex shall obtain an Alarm Permit before operating or causing the operation of an Alarm System in the tenant's apartment unit.
- (b) For purposes of assessing service fees and enforcing this Section against a tenant of an apartment complex, the tenant is responsible for payment of penalties for False Alarms from the Alarm System in the tenant's apartment unit.
- (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 an apartment complex, including but not limited to common tenant areas and office, storage and equipment areas

Sec. 30-83. Permit Duration; Renewal; and Cancellation.

- (a) Alarm Permits shall be renewed on an annual basis. Alarm Permits expire one (1) year from the date of issuance (the "expiration date"). An Alarm Permit must be renewed by completing an Alarm Permit application and returning it along with the annual renewal fee, to the Alarm Administrator prior to the expiration date, in order to avoid penalty. If the permit is not renewed prior to the expiration date, a late fee of ten dollars (\$10.00) will be assessed.
- (b) The Alarm-Permit and Alarm-Permit-renewal fees are as follows:
 - Residential Site – \$50.00
 - Commercial Site – \$100.00
 - Educational Site – No Fee
 - Government Site – No Fee
- (c) The reinstatement fees for an Alarm Permit are as follows:
 - Residential Site – \$50.00
 - Commercial Site – \$100.00
 - Educational Site – No Fee
 - Government Site – No Fee

- (d) No refund of an Alarm-Permit, Alarm-Permit-renewal, or Alarm-Permit-reinstatement fee will be made.
- (e) An Alarm User shall cancel an Alarm Permit for any Alarm System which is removed from an Alarm Site or which otherwise ceases to come under the registering requirements of this Article. Alarm Permit Cancellation may be accomplished by returning the Alarm Permit to the Alarm Administrator.

DIVISION 3. INSTALLATION AND OPERATION

Sec. 30-84. Duties of Alarm User.

- (a) An Alarm User or Person in control of an Alarm System shall:
 - (1) Maintain the Alarm Site in a manner which ensures proper operation of the Alarm System;
 - (2) Maintain the Alarm System in a manner that will minimize False Alarms;
 - (3) Respond or cause a representative to respond within forty-five (45) minutes when notified by the police department to repair or inactivate a malfunctioning Alarm System, to provide access to the Alarm Site, or to provide security for the Alarm Site;
 - (4) Notify the police department prior to any repair or testing of an Alarm System where a false Alarm System signal might be transmitted;
 - (5) Not manually activate an Alarm System for any reason other than an occurrence of an event that the Alarm System is intended to report, except as stated in paragraph (a)(4) of the Section; and
 - (6) Not use Automatic Voice Dialing devices.
- (b) An Alarm User or Person in control of an Alarm System shall maintain, at each Alarm Site, a set of written operating instructions for each Alarm System.
- (c) An Alarm User or Person in control of an Alarm System shall agree with their Alarm Installation Company and/or Monitoring Company to go through an "acclimation period" for the first seven (7) 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 burglar alarm signal, except for a signal of a Panic Alarm, Duress Alarm or Hold-up Alarm, from the Alarm Site and will not make an Alarm Notification to the police department, even if the burglar alarm signal is the result of an actual alarm event.

The Alarm Administrator may waive this prohibition because of an imminent danger to people or property. An Alarm Installation Company and/or Monitoring Company must comply with these procedures when requesting police response to an alarm signal. The police department may refuse to respond if the Alarm Installation Company and/or Monitoring Company does not follow these procedures.

- (d) An Alarm User or Person in control of an Alarm System shall adjust the Alarm System or cause the Alarm System to be adjusted so that the Alarm System, after being activated, will sound for no longer than 10 minutes.
- (e) An Alarm User or Person in control of an Alarm System shall adjust the Alarm System or cause the Alarm System to be adjusted so that the Alarm System shall not make a sound similar to that of sirens on emergency vehicles or civil defense warning systems.
- (f) An Alarm User or Person in control of an Alarm System shall adjust the Alarm System or cause the Alarm System to be adjusted so that upon activation the Alarm System will not transmit another alarm signal from the same Zone without first being manually reset.
- (g) Persons that have installed their own Alarm System, as well as firms with proprietary systems, shall comply with all of the requirements in this Section.

Sec. 30-85. Duties of Alarm Installation Company and Monitoring Company.

- (a) Upon the installation or activation of an Alarm System, the Alarm Installation Company shall ensure that Alarm Users of Alarm Systems equipped with a Duress Alarm, Hold-up Alarm or Panic Alarm are given adequate training as to the proper use of the Duress Alarm, Hold-up Alarm, or Panic Alarm and distribute to all Alarm Users information summarizing:
 - (1) the applicable law relating to False Alarms, including the potential for penalties and revocation of an Alarm Permit;
 - (2) how to prevent False Alarms; and
 - (3) how to operate the Alarm System.
- (b) The Alarm Installation Company shall notify the Alarm Administrator 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 Alarm Administrator:

- (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 all affected Alarm Systems.
- (f) Upon the effective date of this Ordinance, Alarm Installation Companies shall not install a device to activate a Hold-up Alarm that is a single action, non-recessed button.
- (g) An Alarm Installation Company may not install any Alarm System on or after the effective date of this Ordinance, that includes a detection device control panel unless the control panel meets or exceeds ANSI/SIA CP-01- Control Panel Standard - Features for False Alarm Reduction. This includes any existing detection device control panel that must be upgraded or replaced after the effective date of this Ordinance.
- (h) An Alarm Installation Company or Monitoring Company shall not use Automatic Voice Dialers.
- (i) The Monitoring Company shall not make an Alarm Notification in response to a burglar alarm signal, except for a signal for a Panic Alarm, Duress Alarm or Hold-up Alarm, during the first seven (7) 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.

- (j) A Monitoring Company shall:
- (1) report alarm signals by using the telephone numbers designated by the Alarm Administrator;
 - (2) Verify every Alarm System signal, except a Duress Alarm or Hold-up Alarm activation, before requesting a police response to an Alarm System signal;
 - (3) communicate Alarm Notifications to the police department in a manner and form determined by the Alarm Administrator;
 - (4) communicate Cancellations to the police department in a manner and form determined by the Alarm Administrator;
 - (5) communicate any available information (registration number, north, south, cross street, subdivision, front, back, floor, etc.) about the location on all Alarm System signals related to the Alarm Notification;
 - (6) communicate type of alarm activation (silent or audible, interior or perimeter);
 - (7) after an Alarm Notification, promptly advise the police department if the Monitoring Company knows that the Alarm User or the Responder is on the way to the Alarm Site;
 - (8) attempt to contact the Alarm User or Responder within 24 hours via mail, fax, telephone or other electronic means when an Alarm Notification is made;
 - (9) upon the effective date of this Ordinance, maintain for a period of at least one (1) year from the date of the Alarm Notification, records relating to the Alarm Notification. Records must include the name, address and telephone number of the Alarm User, the Alarm System Zone(s) activated, the time of Alarm Notification 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 Notification, 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 Notification, the Monitoring Company shall furnish the requested records within thirty (30) days of receiving the request; and
 - (10) upon the effective date of this Ordinance, immediately provide the police department with the names and phone numbers of the Alarm User's emergency contacts, at the time of the Alarm Notification or within a

reasonable amount of time after the Alarm Notification if the police department 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 on January 1 of each year, to assist the Alarm Administrator with creating and maintaining the police department's tracking data. The customer information will be provided in a format the Alarm Company is capable of producing and will include the following information:
 - (1) Permit Number;
 - (2) Customer name;
 - (3) Alarm Site address;
 - (4) Installation or activation date; and
 - (5) Alarm company License number.

- (l) An Alarm Installation Company and/or Monitoring Company that purchases Alarm System accounts from another Person shall notify the Alarm Administrator of such purchase and provide a complete list of the acquired customers, in a format the Alarm Company is capable of producing, that includes the following information:
 - (1) Permit Number;
 - (2) Customer name;
 - (3) Alarm Site address;
 - (4) Acquisition date; and
 - (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.

Sec. 30-86. License or Licensing.

All Alarm Installation Companies and Monitoring Companies shall maintain a License through the Texas Department of Public Safety Private Security Bureau.

Sec. 30-87. 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 Notifications; and
 - (2) establish a procedure to accept Cancellation of Alarm Notifications.
- (b) The Alarm Administrator shall establish a procedure to record such information on Alarm Notifications 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 Notification was received, including the name of the Monitoring Company and the Monitoring operator name or number;
 - (4) date and time of police 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 police officer was unable to locate the address of the Alarm Site; and
 - (10) cause of Alarm System signal, if known.
- (c) The Alarm Administrator shall establish a procedure for the notification to the Alarm User of a False Alarm. In addition to the requirements of Sec. 30-89, the notice shall include the following information:
 - (1) the date and time of police officer response to the False Alarm;
 - (2) the identification number of the responding police officer;
 - (3) the amount of the penalty(s); and

- (4) 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 penalties.
- (d) The Alarm Administrator may require a conference with an Alarm User and the Alarm Installation Company and/or Monitoring Company responsible for the repair or monitoring of the Alarm System to review the circumstances of each False Alarm.
- (e) The Alarm Administrator may create and implement an Alarm User Awareness Class. The class shall inform Alarm Users of the problems created by False Alarms and teach Alarm Users how to avoid generating False Alarms.
 - (1) The Alarm Administrator may request the assistance of Associations, alarm companies and the police department in developing and implementing the class.
 - (2) The Alarm Administrator may allow an Alarm User the option of completing an Alarm User Awareness Class in lieu of paying one prescribed penalty.
- (f) The Alarm Administrator may require an Alarm User to remove a Hold-up Alarm that is a single action, non-recessed button if a false Hold-up Alarm has occurred.
- (g) The Alarm Administrator shall require an Alarm User to have a Licensed Alarm Installation Company inspect the Alarm System after three (3) False Alarms in a calendar year.
 - (1) The Alarm Administrator may waive a required inspection if it is determined that a False Alarm(s) could not have been related to a defect or malfunction in the Alarm System.
 - (2) After five (5) False Alarms within a calendar year, the Alarm Administrator shall require an Alarm User to have a Licensed Alarm Installation Company modify the Alarm System to be more False Alarm resistant or provide additional user training as appropriate.
- (h) The Alarm Administrator will make a copy of this Ordinance and/or an Ordinance summary sheet available to the Alarm User, Alarm Installation Company, and Monitoring Company.

Sec. 30-88. Alarm Company Statistics.

- (a) The Director may require the Alarm Administrator to collect, analyze and disclose statistical information about a specific Alarm Installation Company's False Alarm experience.

- (b) The Alarm Administrator will determine the False Alarm rate for each Alarm Installation Company. The False Alarm rate is based on the number of Alarm Users of record for each Alarm Installation Company contained within the Alarm Administrator's database divided by the number of False Alarms from said Alarm Users in a specified period of time.
 - (1) This regulation requires that all Alarm Installation Companies ensure each of their respective customers has a valid Alarm Permit and provide the Alarm Administrator with the name of any Alarm User who cancels or otherwise terminates their Alarm System services with the Alarm Installation Company.
 - (2) The Alarm Administrator is responsible only for ensuring the accuracy of the False Alarm rates and is not responsible for ensuring the accuracy of Alarm Installation Company or Alarm User supplied information.
- (c) The Alarm Administrator may provide information about a specific Alarm Installation Company's False Alarm experience to the Director for inclusion in any disclosure report about a specific Alarm Installation Company.
- (d) The Alarm Administrator may disclose and/or publish information about a specific Alarm Installation Company's False Alarm experience upon reasonable request and as often as is practicable.

Sec. 30-89. Notification.

- (a) The Alarm Administrator shall notify the Alarm User in writing after each False Alarm for which there is a penalty. The notification shall include: the amount of the penalty for the False Alarm, the ability to avoid a penalty by taking an Alarm User Awareness Class if one has been developed by the Alarm Administrator, the fact that the Alarm Permit may be revoked after the tenth (10th) False Alarm, and a description of the appeals procedure available to the Alarm User.
- (b) The Alarm Administrator shall notify the Alarm User and Alarm Installation Company and/or Monitoring Company in writing if a conference is required with an Alarm User and the Alarm Installation Company and/or Monitoring Company responsible for the repair or Monitoring of the Alarm System to review the circumstances of each False Alarm.
- (c) The Alarm Administrator shall notify the Alarm User and the Alarm Installation Company or Monitoring Company in writing thirty (30) days before an alarm permit is revoked. The notice of revocation shall also include the amount of the penalty for each False Alarm and a description of the appeals procedure available to the Alarm User.

Sec. 30-90. Penalties.

- (a) An Alarm User shall be subject to penalties, depending on the number of False Alarms within a calendar year, based upon the following schedule:

# of False Alarms	False Alarm Penalty
1-3	\$ 0
4-5	\$ 50
6-7	\$ 75
8-9	\$100
10	\$100

- (b) An Alarm User may be assessed a penalty of Fifty Dollars (\$50.00) for failure to provide a Responder when requested by the police department.
- (c) If Cancellation occurs prior to a police officer arriving at the scene, this is not a False Alarm for the purpose of penalties, and no penalties will be assessed.
- (d) If it takes longer than thirty (30) minutes for a police officer to respond to the Alarm Notification, this is not a False Alarm for the purpose of penalties, and no penalties will be assessed.
- (e) Notice of the right of Appeal under this Article will be included with any notice of penalties.

Sec. 30-91. Permit; authority to revoke.

- (a) The Alarm Administrator shall have the authority to revoke an Alarm Permit if the inspection of an Alarm System, as provided for in Section 30-88(h), reveals violations of this Article.
- (b) The Alarm Administrator shall also have the authority to revoke an Alarm Permit if:
- (1) an Alarm User fails to pay any fees or penalties assessed in this Article, within thirty (30) days of being notified of the fees or penalties;
 - (2) there is a statement of material fact known to be false in the Alarm Permit application;
 - (3) 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 additional training has been conducted by the Alarm Installation Company; or

- (4) the Alarm User has ten (10) or more False Alarms within a calendar year.
- (c) A Person commits an offense if he or she operates an Alarm System during the period in which the Alarm Permit is revoked and is subject to enforcement and penalties set forth in this Article.
- (d) Unless there is separate indication that there is a crime in progress, the Director will refuse police response to an Alarm Notification at an Alarm Site for which the Alarm Permit is revoked.
- (e) If the Alarm Permit is reinstated pursuant to Section 30-94, the Alarm Administrator may again revoke the Alarm Permit if it is determined that three (3) False Alarms have occurred within the twelve (12) month period after the reinstatement date. All False Alarm penalties after reinstatement are \$100.00 each.

Sec.30-92. Appeals.

- (a) If the Alarm Administrator refuses to issue, renew, or reinstate a permit, or revokes a permit, a written notice of this action and a statement of the right to an appeal shall be sent to the affected applicant or the Alarm User by certified mail, return receipt requested. The affected applicant or the Alarm User may appeal the decision of the Alarm Administrator to the Director by filing with the Director a written request for a hearing, setting forth the reasons for the appeal, within ten (10) days after receipt of the notice from the Alarm Administrator. The filing of a request for an appeal hearing with the Director stays an action of the Alarm Administrator in revoking a permit until the Director or designated representative makes a final decision. If a request for an appeal hearing is not made within the ten-day (10) period, the action of the Alarm Administrator is final.
- (b) The Director shall set a time and place for the hearing, which shall be served upon the Alarm Permit holder by certified mail, return receipt requested. The Director or designated representative shall serve as hearing officer at an appeal and consider evidence by any interested person. The formal rules of evidence do not apply at an appeal hearing. All parties to the hearing shall have the right to present evidence and shall have the right to cross examination. The hearing shall be held within fifteen (15) days after the request for an appeal hearing is filed. The time for hearing an appeal may be extended by agreement of the parties. The hearing officer shall make a decision on the basis of a preponderance of the evidence presented at the hearing. The hearing officer shall affirm, reverse, or modify the action of the Alarm Administrator. The decision of the hearing officer is final as to administrative remedies with the City.

- (c) The Alarm Administrator may adjust the count of False Alarms based on:
- (1) Evidence that a False Alarm was caused by an Act of God;
 - (2) Evidence that a False Alarm was caused by action of the telephone company;
 - (3) Evidence that a False Alarm was caused by a power outage lasting longer than four (4) hours;
 - (4) Evidence that the Alarm Notification was not a False Alarm;
 - (5) Evidence that a police officer did not arrive within thirty (30) minutes of the Alarm Notification; or
 - (6) In determining the number of False Alarms, multiple alarms occurring in any twenty-four (24) hour period may 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.

Sec. 30-93. Reinstatement.

- (a) A Person whose Alarm Permit has been revoked may, at the discretion of the Alarm Administrator or the Director, have the Alarm Permit reinstated by the Alarm Administrator or the Director if the Person:
- (1) submits a new Alarm Permit application and pays a Fifty Dollar (\$50.00) reinstatement fee for a Residential Site or a One Hundred Dollar (\$100) reinstatement fee for a Commercial Site;
 - (2) pays, or otherwise resolves, all outstanding citations, fees, and penalties;
 - (3) submits a certification from an Alarm Installation Company stating that the Alarm System has been inspected and repaired or upgraded (if necessary) by the Alarm Installation Company;
 - (4) submits a certification from an Alarm Installation Company that the requirements of the Texas Occupation Code, Section 1702.286, have been met pertaining to the Alarm Installation Company providing the Alarm User with information on:
 - (A) the law relating to False Alarms, including potential penalties and the revocation of an Alarm Permit;
 - (B) how to prevent False Alarms; and

- (C) how to properly operate the Alarm System; and
 - (5) attends an Alarm User Awareness Class, if one has been developed by the Alarm Administrator.
- (b) A Person whose Alarm Permit has been revoked a second time in the twelve (12) month period following the reinstatement from the initial revocation may, at the discretion of the Alarm Administrator or the Director, have the Alarm Permit reinstated by the Alarm Administrator or the Director if the Person complies with all the requirements of Sec. 30-93(a) and submits to the Alarm Administrator or Director documented evidence from an Alarm Installation Company that the control panel and Arming Stations meet the requirements of American National Standards Institute (ANSI) Control Panel Standard CP-01.

Sec. 30-94. Confidentiality.

In the interest of public safety and subject to the requirements of the Texas Public Information Act, all information contained in and gathered through the Alarm Permit applications, records relating to Alarm Notifications and applications for appeals shall be held in confidence by all employees or representatives of the City and by any third-party administrator or employees of a third-party administrator with access to information. Except where otherwise required by law, this information shall not be subject to public inspection. Public interest is served by not disclosing this information to the public and the interest in protecting this information clearly outweighs the public interest served by disclosing this information.

Sec. 30-95. Government Immunity.

An 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 an Alarm Notification is hereby disclaimed, and governmental immunity as provided by law is retained. By applying for an Alarm Permit, the Alarm User acknowledges that police response may be influenced by factors such as: the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history.

Sec. 30-96. Severability.

The provisions of this Article 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.

SECTION 3.

This Ordinance shall be cumulative of all provisions of ordinances of the City of Richland Hills, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 4.

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 a valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining, phrase, clauses, sentences, paragraphs or sections of this Ordinance since the same would have been enacted by the City Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5.

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 6.

All rights and remedies of the City of Richland Hills, Texas, are expressly saved as to any and all violations of the provisions of any ordinances of the City of Richland Hills 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 7.

The City Secretary of the City of Richland Hills 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 8.

The City Secretary of the City of Richland Hills is directed to publish the caption and penalty clause of this Ordinance in the official newspaper of the City of Richland Hills, Texas, as required by Section 52.011 of the Texas Local Government Code.

SECTION 9.

This Ordinance shall be in full force and effect from and after its passage and publication as provided by law, and it is so ordained.

PASSED AND APPROVED THIS _____ DAY OF _____, 2014.

THE HONORABLE BILL AGAN, MAYOR

ATTEST:

LINDA CANTU, CITY SECRETARY

EFFECTIVE DATE: _____

APPROVED AS TO FORM AND LEGALITY:

BESTY ELAM, CITY ATTORNEY