

ORDINANCE 2367

AN ORDINANCE AMENDING CHAPTER 12 OF THE CITY OF HURST CODE OF ORDINANCES BY AMENDING AND REPLACING ARTICLE VI, ALARM SYSTEMS, REPEALING CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A FINE OF UP TO \$500.00 FOR EACH OFFENSE IN VIOLATION OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Hurst (the "City") is a Home Rule municipality having full powers of self-government and may enact ordinances relative to its citizens' health, safety, and welfare that are not inconsistent with the Constitution and laws of the State; and

WHEREAS, the City Council of the City of Hurst (the "City Council") possesses, pursuant to Chapter 214 of the Texas Local Government Code, as amended, the authority to regulate and permit burglar alarm systems in the City; and

WHEREAS, Chapter 214 of the Local Government Code authorizes the City to adopt alarm permit fees and false alarm penalties; and

WHEREAS, the City Council finds and determines that the false alarm fees established by this ordinance are fair and equitable;

WHEREAS, all statutory and constitutional requirements for the passage of this Ordinance have been adhered to, including but not limited to the Texas Open Meeting Act; and

WHEREAS, the City Council determines that the passage of this Ordinance is in the best interests of the health, safety, and welfare of the public.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HURST, TEXAS, AS FOLLOWS:

SECTION 1.

That all matters stated hereinabove are found to be true and correct and are incorporated herein by reference.

SECTION 2.

That Chapter 12, Licenses and Business Regulations, Article VI, Alarm Systems is hereby amended and replaced to read as follows:

ARTICLE VI. – ALARM SYSTEMS

Sec. 12-176. - Purpose.

The purpose of this article is to provide minimum standards and regulations applicable to alarm systems, alarm businesses, and alarm users as defined in this article and to encourage alarm businesses and alarm users to assure the proper operation of security alarm systems and to significantly reduce or eliminate false alarm notification requests made to the police department.

Sec. 12-177. – Disclaimer.

The permit requirements and regulations set forth in this article in no way constitute an endorsement of any business or of the concept of alarm systems as a positive aid to law enforcement, and do not obligate City of Hurst emergency personnel to respond in any manner to any notification as a result of a summons based on an alarm system.

The fact of emergency personnel response(s) to one or more alarm system notifications in no way is to be construed as the policy of the City of Hurst or the intent of this article. The establishment of such policy by this article is expressly denied.

Sec. 12-178. – Administration and funding.

- (a) Responsibility for administration of this article is vested with the chief of police.
- (b) The chief of police may designate an alarm administrator to carry out the duties and functions described in this article.
- (c) Monies generated by permit fees assessed pursuant to this article shall be dedicated for use by the department directly for administration of the alarm program and for recovery of general police services lost to false alarm response.
- (d) The alarm administrator conducts an annual evaluation and analysis of the effectiveness of this article and identifies and implements system improvements, as warranted.

Sec. 12-179. – Definitions.

Alarm administrator means a person or persons designated by the chief of police to administer, control and review false alarm reduction efforts and administers the provisions of this chapter.

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").

Alarm notification request means a communication intended to summon emergency personnel, which is designed either to be initiated purposely or by the person or by an alarm system that responds to a stimulus characteristic of unauthorized intrusion.

Alarm permit holder means a person who has received an alarm system permit, as required by this article.

Alarm site means a premises or location served by an alarm system or systems. An alarm site includes single units of a multiunit building.

Alarm system means a device or system that emits, transmits, or relays a signal intended to summon, or that would reasonably be expected to summon, emergency personnel of the city, including but not limited to, local alarms. Alarm system does not include:

- (1) An alarm installed on a motor vehicle;
- (2) Any device or system designed solely to detect or give notice of fire, smoke, or water flow;
- (3) An alarm system designed solely to alert the alarm system user by any means other than emitting an audible or visual signal outside the building or residence.
- (4) An alarm system that is a personal emergency response system designed only to permit the person to signal the occurrence of a medical or personal emergency and not part of a combination of alarm systems that includes a burglar alarm or fire alarm.

Alarm system user means a person who owns or controls the premises upon which an alarm system is located.

ANSI/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 organization, will be marked to state: "Design evaluated in accordance with SIA CP-01 Control Panel Standard Features for False Alarm Reduction".

Chief means the chief of police of the City of Hurst or the chief's representative.

Emergency personnel means police personnel or fire personnel of the City of Hurst.

False alarm means the activation of an alarm system that results in a notification of and a response by city emergency personnel within 30 minutes of alarm notification and a determination by such personnel from an inspection of the interior or exterior of the premises that the alarm was false.

False alarm notification means the activation of an alarm system that results in notification to city emergency personnel, and response by emergency personnel at a time when the responding personnel find no evidence of unauthorized intrusion, robbery, attempted robbery, or any other violation that the alarm system was intended to report.

Local alarm means an alarm system that emits a signal at an alarm site that is audible or visible from the exterior of a structure.

Monitoring means the process by which a monitoring company receives signals from an alarm system and relays an alarm dispatch request to the Hurst Police Communications Center for the purpose of summoning the Hurst Police Department 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 signal by entering at an arming station, a code that adds one to the last digit of the normal arm/disarm code.

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

Protective/reactive alarm system means an alarm system that is rigged to produce a temporary disability or sensory deprivation through use of chemical, electrical or sonic defense, or by any other means, including use of vision obscuring/disabling devices.

Robbery alarm (also panic, duress or hold-up alarm) means an alarm signal generated by the manual or automatic activation of a device, or any system, device or mechanism on or near the premises intended to signal that a robbery or other crime is in progress, and that one or more persons are in need of immediate police assistance in order to avoid injury, serious bodily harm or death at the hands of the perpetrator of the robbery or other crime.

Special trunk line means a telephone line leading into the communications center of the police or fire department that is for the primary purpose of receiving alarm notifications.

Takeover means the transaction or process by which an alarm permit holder takes over control of an existing alarm system, which was previously controlled by another alarm permit holder.

Verify means an attempt by the monitoring company, or its representative, to contact the alarm site and/or alarm permit holder by telephone and/or other electronic means, whether or not actual contact with a person is made, to determine whether an alarm signal is valid before requesting a police dispatch, in an attempt to avoid an unnecessary alarm dispatch request. For the purpose of this chapter, telephone verification shall require as a minimum that a second call be made to a different number, if the first attempt fails to reach an alarm permit holder who can properly identify themselves to determine whether an alarm signal is valid before requesting an officer dispatch. Names and numbers or those contacted or attempted to contact, must be provided when requested.

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.

Sec. 12-180. – Permit required, application, issuance.

- (a) *Existing alarm systems.* Any alarm system which has been installed before the effective date of this article shall be registered by the alarm permit holder within 90 days of such effective date. An alarm installation company or monitoring company shall provide a list of existing alarm permit holders within the city limits of Hurst within 15 days of being notified in writing by the alarm administrator.
- (b) No person shall operate, cause to be operated, or permit the operation of an alarm system unless a valid permit has been issued by the chief within 30 days of installation or activation of such system. This requirement is applicable to the person in control of the property, which the alarm system is designed to protect.
- (c) An alarm system user or his agent shall obtain a permit for each alarm site.
- (d) Where the owner of a multiunit building provides or makes available an alarm system for tenants, each tenant shall obtain a separate alarm permit for that tenant's respective unit.
- (e) Upon receipt of a completed application form, the chief shall issue an alarm permit to the applicant unless the applicant has failed to pay a service fee assessed under section 12-190 or has had an alarm permit for the alarm site revoked, and the violation causing the revocation has not been corrected.
- (f) Each permit application must contain the following information:

- (1) Name, address, telephone number, and email 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 chapter;
 - (2) The street address of the property on which the alarm system is to be installed and operated;
 - (3) Classification of the alarm site as either residential or commercial;
 - (4) Any business name or title used for the premises on which the alarm system is to be installed;
 - (5) The name, address, and phone number of one other person to respond to an alarm in the event the permit holder is unavailable;
 - (6) Any other information required by the chief, which is necessary for the enforcement of this article;
 - (7) Name, address and telephone number of alarm monitoring company, if any;
 - (8) Any dangerous or special conditions present at the alarm site such as dogs or other animals or any type of alarm system that is rigged to produce a temporary disability or sensory deprivation through use of chemical, electrical or sonic defense, or by other means, including use of vision/obscuring/disabling devices.
- (g) Any false statement of a material matter made by the applicant for the purpose of obtaining an alarm permit shall be sufficient cause for refusal to issue a permit and/or for revocation of a permit already issued.
- (h) An alarm permit cannot be transferred to another person. A permit holder shall inform the chief of any change that alters information listed on the permit application within five days of the occurrence of the change.
- (i) All fees owed by an applicant must be paid before a permit may be issued or renewed.
- (j) *Alarm permit fees.* The fees for an alarm permit or an alarm permit renewal are as follows:
- (1) Commercial Sites
 - a. General Alarm: \$75 annually.

- b. Robbery Alarm: \$75 annually.
- c. General and Robbery Alarm: \$150 annually.

(2) Residential – Non-senior

- a. Initial: \$25.
- b. Renewal: \$25.

(3) Residential – Senior (65 or older)

- a. Initial: \$10.
- b. Renewal: \$10.

(k) *Senior rate permit fee.* To qualify for the senior rate the permit holder must

- (1) be 65 years of age or older;
- (2) listed as the property owner or lessee;
- (3) and must have the alarm contract in their name.

(l) A late fee of \$25 shall be assessed for nonpayment within 30 days after notification to alarm users of an initial alarm permit registration.

Sec. 12-181. – Permit duration and renewal.

A permit is valid, unless revoked, from the date of issuance for one year, upon receipt of the annual fee. A permit will be automatically renewed for a one-year period, unless revoked, upon receipt of the annual fee, unless cancelled by the permit holder.

Sec. 12-182. – Proper alarm system operation and maintenance.

- (a) A permit holder or alarm system 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 20 minutes when requested by the police in order to
 - 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 intended to report.
- (b) An alarm permit holder 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 minutes after being activated.
 - (c) An alarm permit holder shall not use automatic voice dialers.
 - (d) An alarm permit holder shall maintain at each alarm site, a set of written operating instructions for each alarm system exclusive of any codes, combinations or passwords.
 - (e) All alarm permit holders shall agree with their alarm installation company and/or monitoring company to go through an "acclimation period" for the first seven 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 and will not make an alarm dispatch request to police, even if the alarm signal is the result of an actual alarm event.
 - (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 permit holders.

Sec. 12-183. – Manual reset required.

A permit holder or person in control of an alarm system which has an automatic resetting device, and which system causes three or more alarms within a 24-hour period, shall manually reset the system.

Sec. 12-184. – Alarm reporting and monitoring requirements.

- (a) A permit holder or person in control of an alarm system shall not allow alarm signals to be reported through a relaying intermediary that does not comply with the requirements of this article and any rules and regulations promulgated by the chief, or is not licensed by the Texas Board of Private Investigators and Private Security Agencies.
- (b) A person who is engaged in the business of relaying alarm notifications to the city shall:

- (1) Make notification by a human operator only after attempting to verify the alarm by calling the permit holder or person in control of premises a minimum of two times to two different numbers prior to reporting the alarm to the police department;
 - (2) Report alarms only on special trunk lines designated by the chief;
 - (3) Communicate alarm notifications to the city in a manner and form designated by the chief;
- (c) Robbery, hold-up, duress and panic alarms are exempt from the requirements of subsection (b) in this section.

Sec. 12-185. – Record Keeping.

- (a) A person engaged in the business of selling, leasing, installing, or otherwise distributing alarm systems shall maintain records at its place of business which will show the names and addresses of persons to whom an alarm system was sold, leased, installed, or otherwise distributed, as well as the date of such transactions.
- (b) Said alarm businesses or person shall make said records available during regular business hours to the chief or his designee for inspection. The express purpose of this section is to assure that alarm system users are in compliance with this chapter, and not to regulate in any manner any person engaged in the alarm business.
- (c) 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 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.
 - (2) Customer name.
 - (3) Alarm Site address.
 - (4) Installation or activation date.
 - (5) Alarm company license number.

- (d) 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:
 - (1) Permit number.
 - (2) Customer name.
 - (3) Alarm site address.
 - (4) Acquisition date.
 - (5) Alarm company license number.

Sec. 12-186. – Duties of alarm system companies.

- (a) On the installation or activation of an alarm system, an alarm system company shall distribute to the occupant of the alarm system location information summarizing:
 - (1) The applicable law relating to false alarms, including the potential for penalties and revocation or suspension of a permit;
 - (2) How to prevent false alarms; and
 - (3) How to operate the alarm system.
- (b) An alarm systems company shall notify the municipality in which the alarm system is located of an installation or activation of an alarm system no later than the 30th day after the date of the installation or activation. The alarm systems company shall provide to the municipality:
 - (1) The alarm systems company name;
 - (2) The alarm system company license number;
 - (3) The name of the occupant of the alarm system location;
 - (4) The address of the alarm system location; and
 - (5) The date of installation or activation.
- (c) 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.

- (d) Upon the effective date of this article, 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 chapter. However, upon the effective date of this article, when a takeover or conversion occurs, an alarm installation company must remove the one plus duress alarm capability from such alarm systems.
- (e) Upon the effective date of this article, alarm installation companies shall not install a device to activate a robbery alarm, which is a single action, non-recessed button.
- (f) An alarm installation company may not install any alarm system that includes a detection device control panel unless the control panel meets or exceeds ANSI/SIA CP-01 - Control.

Sec. 12-187. – Automatic dialing prohibited.

No person shall operate or cause to be operated any automatic dialing device which, when activated, uses a telephone device or attachment to automatically select a telephone line leading into the police department or the city and then transmit any prerecorded message or signal.

Sec. 12-188. – Alarm Dispatch Records

- (a) Emergency personnel responding to a dispatch resulting from an alarm system notification shall record such information as necessary to permit the chief to maintain records, including, but not limited to, the following information:
 - (1) Identification of the permit holder;
 - (2) Identification of the alarm site;
 - (3) Time dispatched, arrived, and cleared;
 - (4) Time of day, date;
 - (5) Weather conditions
 - (6) Name of permit holder's representative on the premises if any.
- (b) Responding personnel shall indicate on the dispatch record whether the notification was caused by a false alarm.

Sec. 12-189. – System Performance Reviews

If there is reason to believe that an alarm system is not being used or maintained in the manner that ensures proper operation and suppressed false alarms, the chief may require a conference with an alarm permit holder and the individual or association responsible for maintenance for the alarm system to review circumstances of each false alarm. Any such conference will be held only after a ten-day notice on mailing to the permit holder such notice to be effective on mailing to the permit holder at the address listed on the application.

Sec. 12-190. – Service fee; false alarm notification

(a) An alarm permit holder (other than robbery alarms) shall be subject to fees for services, depending on the number of false alarms within the preceding 12-month period, based upon the following fees for false alarms:

- (1) First through third false alarms: no fee.
- (2) Fourth and fifth false alarms: \$50 each.
- (3) Sixth and Seventh false alarms: \$75 each.
- (4) Eighth and beyond false alarms: \$100 each.

(b) Activation of a robbery alarm shall be deemed an intentional act for which a required fee shall be deemed imposed for false alarms. Any alarm user of such alarms shall pay the city a fee for each and every false robbery alarm to which police respond based on the number of false alarms as follows:

- (1) First false alarm: no fee.
- (2) Second and third false alarm: \$100.
- (3) Fourth and beyond false alarms: \$200.

(c) The fee established by this section will continue to be assessed on all additional false robbery alarms until the permit holder submits a certification from an alarm installation company, stating that the alarm system has been inspected and repaired (if necessary) by the alarm installation company and proper training has been provided to the alarm user.

(d) Late fee for nonpayment within 30 days of notification of an alarm fee assessed under this chapter shall result in a late fee of \$25.

- (e) If a person notifies the chief and applies for an alarm permit before the installation of a new alarm system, no service fee will be assessed during the first 15 days after installation, and false alarm notifications during that period will not be counted in determining when a service fee will be assessed.
- (f) If cancellation of the alarm occurs prior to a police officers' arriving at the scene or the department does not respond within 30 minutes of the alarm notification, this is not a false alarm for the purpose of fees and no fee will be assessed.

Sec. 12-191. – Revocation of alarm permit

The chief may terminate an alarm permit after 30 days' notice if he determines that:

- (1) There is any violation of this chapter;
- (2) There is a false statement of a material matter in the application for a permit.
- (3) An alarm system has generated in excess of eight false alarms during any 12 months;
- (4) The permit holder has failed to make payment of any service fee, permit fee or appeal hearing fee assessed under this article within 30 days of the assessment;
- (5) Failure to attend the conference provided for in section 12-189.

Sec. 12-192. – Appeal of false alarm service fees and denial or revocation of a permit.

- (a) If the chief assesses a service fee for a false alarm, refuses to issue or renew a permit, or revokes a permit, the chief shall send to the applicant or permit holder written notice of such action and a statement of the right to an appeal. The applicant or permit holder may appeal the decision of the chief, to the city manager, with a written request for a hearing, setting forth the reason for the appeal, within ten days after receipt of the notice of the chief. The filing of a request for an appeal hearing with the city manager stays the action of the chief to the denial of a permit or the revocation of a permit until the city manager, or the city manager's designee, makes a final decision. If a request for an appeal hearing is not made within the ten-day period, the action of the chief is final.

- (b) The city manager, or the city manager's designee, 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; the hearing officer shall make a decision on the basis of a preponderance of the evidence present within 30 days after the request for an appeal hearing is filed. The hearing officer shall affirm, reverse, or modify the action of the chief. The decision of the hearing officer is final as to administrative remedies within the city.
- (c) An appeal hearing fee of \$25 shall be paid before a permit revocation appeal hearing will be scheduled with the city manager's office. Appeal fees will be returned to the appealing alarm permit holder, alarm installation company or monitoring company if the appeal is upheld.
- (d) In addition to prohibiting or requiring certain conduct of individuals, it is the intent of this chapter to hold a corporation, partnership, or other associations criminally responsible for acts or omissions performed by an agent acting on behalf of the corporation, partnership, or other association, within the scope of this employment.

Sec. 12-193. – Forfeiture of application fee upon revocation of permit.

When the revocation of a permit is final, all permit fees shall be forfeited.

Sec. 12-194. – Reapplication for permit after revocation.

- (a) Should an alarm system user or an agent of such user, after final permit revocation, desire to reapply for a permit, he shall be required to submit a new permit application, including the required permit fees.
- (b) The applicant shall also submit satisfactory proof of compliance with the chapter.
 - (1) The applicant has submitted a written certification from an alarm installation company, that complies with the requirements of this chapter, stating that the alarm system has been inspected and repaired (if necessary) and/or additional training has been conducted by the alarm installation company; and
 - (2) The requirements of Section 1702.286 Texas Occupations Code pertaining to the alarm company providing the alarm user with information on:
 - a. The law relating to false alarms, including potential penalties and the revocation of suspension of an alarm permit;
 - b. How to prevent false alarms; and

- c. How to properly operate the alarm system.

Sec. 12-195. – Confidentiality of information.

All information provided by a permit holder pursuant to this chapter shall be confidential to the extent possible under Chapter 552, Texas Government Code, and shall be utilized solely by the police department; provided that said information shall be available to the permit holder.

Sec. 12-196. – Exemption of certain government bodies.

The United States government, the State of Texas, or any county government or school district situated within the corporate city limits of the City of Hurst shall comply with the requirements of this chapter; provided however, that they shall be exempt from the payment of fees.

Sec. 12-197. – Violations.

- (a) It shall be unlawful to operate an alarm system during the period in which an alarm permit is under revocation. Each day of such operation shall constitute a separate offense.
- (b) It shall be unlawful for any person to operate an alarm system without a permit. Each day of such operation shall constitute a separate offense.
- (c) It shall be unlawful for any person to operate an alarm system in violation of any provision of this article. Each day of such operation shall constitute a separate offense.
- (d) Any person found guilty of violating this article shall be subject to a fine not exceeding \$500.

SECTION 4. That all ordinances or any parts thereof in conflict with the terms of this ordinance shall be and hereby are deemed repealed and of no force or effect; provided, however, that the ordinance or ordinances under which the cases currently filed and pending in the Municipal Court of the City of Hurst, Texas, shall be deemed repealed only when all such cases filed and pending under such ordinance or ordinances have been disposed of by a final conviction or a finding not guilty or nolo contendere, or dismissal.

SECTION 5. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed Five Hundred Dollars (\$500.00) and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

SECTION 6. If any section, article, paragraph, sentence, clause, phrase or word in this ordinance, or application thereto any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 7. This ordinance shall be in full force and effect after its passage and it is so ordained.

PASSED BY THE CITY COUNCIL OF THE CITY OF HURST, TEXAS on the first reading on the 22nd day of August 2017 by a vote of 6 to 0.

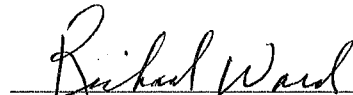
APPROVED BY THE CITY COUNCIL OF THE CITY OF HURST, TEXAS on the second reading on the 12th day of September 2017 by a vote of 6 to 0.

ATTEST:




City Secretary, Rita Frick

APPROVED:



Mayor Richard Ward

APPROVED AS TO FORM:



City Attorney