

## Chapter 11 BURGLAR AND FIRE ALARM PROTECTIVE SERVICES

\*\*\*\*\*

### ARTICLE III BURGLAR ALARMS, PANIC ALARMS AND OTHER SIMILAR ALARM SYSTEMS

#### Sec. 11-50. Application; purpose.

(a) It is the purpose of this article to:

- (1) Regulate the activities and establish the responsibilities of persons who purchase, rent, operate or use an alarm system subject to this article and, to the full extent permitted by Texas law, persons who engage in the business of selling, leasing, renting, installing, maintaining or monitoring such alarm systems pursuant to a permit or license issued by the State of Texas; and
- (2) Promote the improved reliability of alarm systems governed by this article to ensure that police department and HEC personnel will not be unduly diverted from responding to actual criminal activity as a result of responding to false alarms.

(b) This article is intended to specifically encompass "burglar alarms," "holdup alarms," and "panic alarms," whether audible or inaudible (silent), and other such alarm systems, but not audible alarms affixed to motor vehicles, personal emergency response system alarms, or fire alarms.

(c) The provisions of this article shall not be applicable to an alarm system operated or used by a governmental entity.

#### Sec. 11-51. Definitions.

In this article, unless the context clearly otherwise requires:

*Activate* means the completion of all steps necessary to render an alarm system capable of carrying out its intended function of producing an alarm notification under appropriate circumstances.

*Alarm notification* means the receipt of notice transmitted to HEC or the police department that an alarm signal has been detected and that a police department response is being requested.

*Alarm permit* means a certificate issued by the department pursuant to this article authorizing a person to operate or use an alarm system in accordance with this article.

*Alarm signal* means the transmission of a signal, whether by electronic or other means, by an alarm system to an alarm systems company in response to an incident at the alarm site of the type the alarm system was designed or intended to detect.

*Alarm site* means the single fixed premises or location where an alarm system is operated, used, installed or rendered capable of being activated.

*Alarm subscriber* means a person who directly or through another person contracts with an alarm systems company. Each alarm subscriber is deemed to be a person who operates or uses, causes or allows the operation or use of the alarm system and will be liable for the payment of permit fees, fines or penalties, or the performance of other duties and responsibilities as provided in this article.

*Alarm system* means any mechanical, electrical, electronic or radio-controlled alarm device or equipment designed to or that does emit or transmit an alarm signal that is designed or intended to produce an alarm notification. Alarm system includes, but is not limited to, silent, audible, panic, holdup, burglar and local alarm systems, including the use of video verification equipment, or any combination thereof at a single alarm site. The term does not include a personal emergency response system alarm, a fire alarm system designed solely to detect fire or smoke or an alarm installed in a motor vehicle solely to prevent theft of the vehicle.

*Alarm systems company* means any person who engages in the business of monitoring, selling, leasing, renting, maintaining, servicing, repairing, altering, replacing, or installing alarm systems or rendering such systems capable of generating an alarm signal.

*Applicant* means a person who makes application to the department to obtain an alarm permit and will be liable for the payment of permit fees, fines or penalties, or the performance of other duties and responsibilities as provided in this article. The term does not include a person who merely fills out an application for another person.

*Automatic dialer or automatic dialing device* means any electrical, electronic, mechanical or other device capable of being programmed to send an alarm notification in the form of a prerecorded voice message to the police department or HEC over a telephone line, radio or other communication system when an alarm signal is generated.

*Burglar alarm system* means an alarm system designed to detect an attempted or actual unauthorized entry into the alarm site and transmit a signal to an alarm systems company for the purpose of generating an alarm notification.

*Common cause* means a technical difficulty or malfunction that causes an alarm system to generate a series of two or more false alarms.

*Deactivate* means to disconnect or render an alarm system disabled so as to prevent any possibility that the alarm system will generate an alarm signal.

*Department* means the department of administration and regulatory affairs.

*Director* means the director of the department or his designee.

*False alarm* means an alarm notification generated when an emergency of the kind for which the alarm system was designed did not in fact exist and a response is made by the police department within thirty minutes of the alarm notification and the

police department determines from an inspection of the interior or exterior of the premises that the alarm was false. ~~A false alarm is deemed to have occurred at the moment HEC receives the alarm notification.~~

*Governmental entity* means any unit of federal, state or local government; for purposes of this article, a governmental entity shall include but not be limited to the Houston Port Authority, the Metropolitan Transit Authority, and the Downtown Management District or other similar management district.

*Houston Emergency Center or HEC* means the city's emergency response communications center and any employee of such center assigned to perform any duty prescribed by this article.

*Individual facility* means, in the context of a multi-unit housing facility, each unoccupied individual residential unit (including an apartment unit), office, storage room, utility room, shop, game room, exercise room, laundry room, hallway, vending area, lobby or similar non-residential facility.

*Local alarm system* means an alarm system designed and operated to generate audible or visual alarm signals at the alarm site when activated.

*Multi-unit housing facility* means a residential multi-unit apartment complex, town homes, condominiums, or similar housing facilities.

*Non-permitted alarm system* means an alarm system for which there is no valid alarm permit has been issued.

*Non-residential alarm site* means an alarm site that is not a 'residential alarm site' as defined by this section.

~~*Panic, holdup or duress alarm system* means an alarm system that, when manually triggered by a person at the alarm site, generates an alarm signal indicating a holdup or other life-threatening emergency requiring a police department response.~~

*Permit holder* means a person to whom an alarm permit has been issued. The permit holder shall at all times be deemed a person-in-control of the alarm site.

*Person* shall have the meaning set forth in section 1-2 of this Code but shall not include the city or any of its departments.

*Person-in-control* means a person holding an alarm permit or a person who owns, leases, possesses, resides at, or manages any part of the alarm site.

*Police chief* means the chief of the police department, or his designee or any employee of the police department assigned by the police chief to perform any duties prescribed by this article.

*Police department* means the city police department.

*Residential alarm site* means an alarm site used solely for residential purposes, including an occupied apartment or other residential unit located in a multi-unit housing facility. Each occupied apartment or other individual residential unit in

which an alarm system is operated, used, installed, or placed shall be a separate residential alarm site. All other alarm sites are non-residential.

*Verify an alarm signal* means to attempt to contact the alarm site and alarm subscriber or other person-in-control of the alarm site by telephone calls of at least six rings each to two separate telephone numbers, regardless of whether actual contact with an individual is made, to determine whether an alarm signal is valid.

*Video verification equipment* means a device(s) designed and installed as a component of an alarm system for the purpose of transferring video images reflecting existing conditions at an alarm site at the time an alarm system sends an alarm signal...detecting an unauthorized or attempted intrusion at the alarm site.

**Sec. 11-52. Alarm permit required; violation; penalty.**

- (a) *Permit required.* Any person that operates or uses, causes or allows the operation or use of an alarm system shall apply for and, upon approval by the department, be issued an residential-alarm permit.
- (ab) *Unlawful conduct.* It is unlawful for any person to operate or use, cause or allow the operation or use of an alarm system unless a valid alarm permit is in effect for that alarm system.
- (bc) *Non-permitted alarm system.* All duties and responsibilities for the use or operation of a non-permitted alarm system at an alarm site and the obligation to pay all fines, penalties and other amounts authorized in this article in connection with such system shall be imposed, jointly and severally, on the alarm subscriber and any person-in-control at the alarm site.
- (ed) ~~*Separate alarm permit required.* Each alarm system must have a separate alarm permit. An alarm system may not be operated, used, installed or monitored to protect more than one non-residential alarm site. (This subsection will shall not apply to a residential alarm site.)~~

**Sec. 11-53. No duty created.**

The issuance of an alarm permit authorizing the use of an alarm system shall not create any duty or liability on the part of the city or guarantee any police department or other response from the city. Nothing in this article shall be construed to waive the city's governmental immunity from suit or from liability.

**Sec. 11-54. Right to inspect.**

The police chief shall have the right to inspect any alarm system at an alarm site at any reasonable time to determine whether it is being used in conformity with this article.

**Sec. 11-55. Police response to alarm notification.**

- (a) *Policy.* Any police department response to an alarm notification shall be governed by the provisions of this section and the rules and regulations, as applicable, promulgated by the police chief pursuant to section 11-76 of this Code, provided that any police response to the alarm site shall be evidenced by the responding officer's placement of a notice or decal at or on the doorway or principal entry to such site noting the responding officer's name and the date and time of the response.
- (b) *Non-permitted alarm systems.* The police chief may refuse to respond to an alarm notification from a burglar alarm system that according to department records does not have a current and valid alarm permit.
- (c) *Information to be provided by alarm systems company.* An alarm systems company shall provide an alarm subscriber with information concerning the police department's policy regarding whether or not the police department will respond to an alarm notification from a system that according to department records does not have a current and valid alarm permit. The police chief will make available to an alarm systems company a copy of such police department policy upon written request.

**Sec. 11-56. Disclosure of alarm permits.**

The director shall maintain a complete record of all alarm systems installed or capable of being activated in the city, based upon the reports required to be provided by alarm companies pursuant to Section 1702.286(b), Texas Occupations Code, or information regarding such alarm systems derived from other sources.

**Sec. 11-57. Alarm system companies; duty to maintain and provide records.**

- (a) Upon the installation or activation of an alarm system, the alarm installation company shall distribute to the alarm user information summarizing:
  - (1) How to apply for an residential alarm permit;
  - (2) The applicable law relating to False Alarms, including the potential for penalties and revocation or suspension of an Alarm Permit;
  - (3) How to operate the Alarm System;
  - (4) How to prevent False Alarms; and
  - (5) Ensure that all Alarm Users of Alarm Systems equipped with a Panic, Holdup, Duress or Burglar Alarm are given adequate training as to the proper use of the Panic, Holdup, Duress or Burglar Alarm.
- (ab) *Records to be provided.* It shall be the duty of each alarm systems company to maintain a record of all alarm systems the company has installed or rendered capable of being activated in the city, as required by § 1702.286(b), Texas Occupations Code. The records required to be maintained by this subsection shall

be maintained for at least two years from the date of their creation and shall be available for inspection and duplication upon demand by the police chief or director. At the discretion of the police chief or director, any such request may be made electronically, in writing, or by personal delivery to an alarm systems company.

- (bc) *Periodic reports to be provided.* A true and correct list of all alarm systems installed, rendered capable of being activated, maintained or monitored in the city by an alarm systems company shall be provided to the police chief and director ~~annually~~ monthly, or more frequently if requested by the police chief or director. Such list shall be provided in an electronic ~~excel/esv or flat file or other format~~ as required by the director ~~as may be required by the police chief or director.~~
- (ed) *Violation; penalty.* A person who violates any provision of this section is guilty of a separate offense for each day or portion of a day during which the violation is committed, continued or permitted. Each offense is punishable as provided in section 11-74 of this Code.

**Sec. 11-58. Alarm systems in multi-unit housing facilities.**

- (a) *Residential alarm sites.* The lessee, tenant or other adult occupant lawfully residing in the individual residential unit shall apply for and, upon approval by the department, be issued a residential alarm permit. The alarm permit application shall provide, in addition to other requirements in this article, the name and contact information such as telephone number or email address of a representative of the multi-unit housing facility owner or property manager who will grant access to the alarm site in the absence of the permit holder.
- (b) *Non-residential alarm sites.* Areas of the multi-unit housing facility other than occupied individual residential units in which an alarm system is operated, used, installed or placed shall constitute one or more separate non-residential alarm sites, and the following provisions shall apply:
  - (1) *Individual facility.* Each individual facility shall be a separate non-residential alarm site, requiring a separate alarm permit, separate alarm system monitoring, and payment of the alarm permit fee required by this article, except as otherwise specifically provided in any applicable policies and procedures established pursuant to section 11-76 of this Code.
  - (2) *Identification of facility.* Each individual facility shall be clearly identified and designated by a unique individual facility number by the applicant in the alarm permit application, and the applicant shall attach a corresponding map or diagram of the premises showing the location of each such facility.
  - (3) *Visible markings.* Each individual facility shall be clearly and visibly marked and identified with its individual facility number at the physical premises.
  - (4) *Separate monitoring of facilities.* Each individual facility shall be separately monitored by the alarm systems company to ensure that the individual facility where an alarm system may be triggered can be readily identified.

- (5) *Information required.* An alarm notification to the police department shall include the individual facility number.

**Sec. 11-59. Alarm permit—Application.**

- (a) Application for an alarm permit shall be made to the department in a format designated by the director for that purpose. Each application shall be set forth:
- (1) *Applicant.* The name, address, telephone number(s), email address, Social Security Number, federal employee identification number, state sales tax number, corporate charter number, and state driver's license number or other valid state identification of the applicant, as applicable. An applicant who is an individual who does not have a valid Texas driver's license must provide his social security number.
  - (2) *Alarm subscriber.* If different from the applicant, the name, address, telephone number(s), email address, social security number, federal employee identification number, state sales tax number, corporate charter number, and state driver's license number of the alarm subscriber, as applicable.
  - (3) *Assumed names; other entity names.* Copies of the assumed name registration if the alarm site will be operated under an assumed name; the partnership registration, if any, and the names and addresses of all general partners if the applicant is a partnership; or a copy of the alarm subscriber's the Texas corporate charter or, if the alarm subscriber is a foreign corporation, a copy of the corporation's certificate of authority to do business in Texas, along with the names and addresses of all officers of the corporation and the corporation's registered agent.
  - (4) *Alarm site.* The street address of the alarm site at which the alarm system is or will be installed, placed, operated or used, including the particular suite, apartment number, unit number, or other similar occupancy number(s) or designation(s), if applicable, ~~and The applicant shall provide a statement specifying indicate whether the premises is used solely for residential or non-residential alarm site purposes.~~
  - (5) *Business names.* Any business names used for the alarm site.
  - (6) *Alarm system.* A description of the alarm system to be permitted ~~at~~ and the type of alarm ~~site~~ system. (This subsection will not apply to a residential alarm site.)
  - (7) *Alarm system installer.* The name, address, Texas Department of Public Safety/Texas Private Security Bureau license number and type, and telephone number of the alarm systems company that has installed or will install and activate the alarm system.
  - (8) *Alarm systems company.* The name, address, Texas Department of Public Safety/Texas Private Security Bureau license number and type, and telephone number of the alarm systems company or other person that will monitor the alarm system.

- (9) *Contact information.* In addition to the applicant information:
- a. The names and telephone numbers of two individuals, or the name and local telephone number of an alarm systems company that is able to and has agreed to:
    - [1] Receive an alarm notification at any time;
    - [2] Come to the alarm site within one hour after receiving a request from a member of the police department to do so; and
    - [3] Grant access to the alarm site and to deactivate the alarm system if necessary; or
  - b. The name and telephone number of an alarm systems company that is able to and has agreed to receive calls at any time and to give the police department and the director the names of individuals listed with that company as set out below if:
    - [1] The applicant has given the alarm systems company the names and local telephone numbers of two individuals who are able and have agreed to receive alarm notification at any time; to come to the alarm site within one hour after receiving a request from a member of the police department to do so; and to grant access to the alarm site and to deactivate the alarm system if necessary; and
    - [2] The applicant has authorized the alarm systems company to provide the names and telephone numbers of those two individuals to the chief of police and director whenever the police chief or director has requested that information in order to obtain assistance after an alarm system has been activated.
- (10) *No unpaid fees.* A statement that all fees and penalties due and owing to the city under this article by the alarm subscriber, the applicant and its partners, officers, owners and other principals have been paid.
- (11) *Occupants—Single family residence.* If the alarm site is a single-family residential dwelling, the names of all residents over the age of 18 who reside at such dwelling and their relationship to the applicant.
- (12) *Compliance statement.* A statement that within the 12 months preceding the date the alarm permit will be issued, there has been no denied application for an alarm permit, denied renewal or revocation of any alarm permit, or penalty imposed for operation of an alarm system without an alarm permit that is connected to the alarm site, the alarm system, the alarm subscriber, the applicant, any person-in-control of the alarm site, or a person described in item (10) of this subsection.
- (13) *Other required information.* Such other information as the police chief and the director in their discretion, individually or jointly, determine to be reasonably necessary.

- (b) *Signature required.* The application shall be signed by an owner, officer, or partner of the applicant if the applicant is not an individual, or by the individual applicant, acknowledging that he has read the application, affirming the correctness and accuracy of the information given on the application, and authorizing the release to the department of information specified in subsection (a) of this section.
- (c) *Issuance of alarm permit.* The director shall issue an alarm permit upon submission of an application that fully complies with this article and the alarm permit fee; provided that the application shall be denied and no alarm permit shall be issued if the director finds that:
  - (1) Any statement made in the application is incomplete, misleading, or false;
  - (2) The application truthfully states matters sufficient to deny the alarm permit application;
  - (3) The applicant, its partners, officers, owners and other principals have not paid to the city all fees and penalties due under this article; or
  - (4) The alarm system installed at the alarm site has, or is of the type that has had a history of unreliability.

**Sec. 11-60. Same—Amendments to application.**

The permit holder has an affirmative duty to promptly submit updated alarm permit application information to the department in writing when any information contained in or relevant to the alarm permit application has changed or is out of date. In all circumstances, the updated information must be provided not later than 15 days after the information changed or became out of date. Submission of updated alarm permit application information shall not prevent revocation, termination, denial of application or renewal, or other remedy authorized by this article.

**Sec. 11-61. Same—Term; expiration; renewal.**

- (a) *Term of alarm permit.* Each alarm permit shall be valid for a 12-month period from the date of issuance stated on the alarm permit.
- (b) *Notice of expiration.* The department shall give at least 30 days written notice to the permit holder of the expiration date of an alarm permit. A completed renewal application shall be filed with the director along with the renewal fee, not less than 10 business days before expiration of the alarm permit. A renewal alarm permit shall be issued for the 12-month period following the date of renewal.
- (c) *Grounds for denial or renewal of alarm permit.* The director shall deny the renewal application for any of the reasons set forth in section 11-70(a) of this Code.
- (d) *New alarm permit required.* If the alarm permit is not renewed as of the expiration date, then a new alarm permit must be applied for and obtained as provided in this article. Upon expiration of an alarm permit that is not renewed, the provisions of

section 11-68(d) of this Code regarding penalties for non-permitted alarm systems shall apply until a new alarm permit is issued.

**Sec. 11-62. Same—Fees.**

- (a) *Residential alarm site.* The fees for a new or renewal alarm permit for a residential alarm site is stated for this provision in the city fee schedule. For purposes of this subsection, a burglar alarm system with a remote control that may be used to trigger the alarm shall not be deemed a panic alarm system.
- (b) *Non-residential alarm site.* The fee for a new or renewal alarm permit for a non-residential alarm site is stated for this provision in the city fee schedule.
- (c) *No refund.* No refund of any fee paid pursuant to this article shall be made by the city for any reason except as follows:
  - (1) Duplicate payments;
  - (2) Payments clearly intended for another purpose; or
  - (3) Payments submitted for alarm systems located outside the city limits.

**Sec. 11-63. Same—Nontransferable; re-application required following revocation or termination.**

- (a) *Alarm permits non-transferable.* Alarm permits are not transferable to any other person, premises, alarm system or alarm subscriber. Each alarm permit shall be valid only for the permit holder, alarm site and alarm system as they existed when the alarm permit was originally issued, and the alarm permit shall terminate immediately upon change of any such items or persons. If the permit holder voluntarily or involuntarily ceases to have ownership, leasehold, possession or management rights to the alarm site, or upon revocation or expiration of the alarm permit, the alarm permit shall terminate, and a new alarm permit must be applied for and a new alarm permit fee paid as required by this article.
- (b) *Effect of termination of alarm permit.* Upon termination of the alarm permit and before a new alarm permit is issued for that alarm site, the provisions of this article concerning a non-permitted alarm system shall apply.
- (c) *Liability of permit holder.* If the permit holder fails to deliver written notice of the cessation of the permit holder's rights in the alarm site to the department at least 30 days prior to such cessation of rights, he shall remain liable as if he were a person-in-control of the alarm site, for all subsequent fees and penalties, jointly and severally with any other persons liable as provided in this article, until a new alarm permit is issued for an alarm system at the alarm site.

**Sec. 11-64. Duties of permit holder.**

The permit holder shall:

- (1) Ensure that as set forth under section 11-59(a)(9) of this Code, the individuals or the alarm systems company listed with the police department and the director, and the individuals listed with the alarm systems company have agreed and are able to:
  - a. Receive an alarm signal at any time;
  - b. Come to the alarm site within one hour after receiving a request from the police department to do so; and
  - c. Grant access to the alarm site and, if necessary, deactivate the alarm system.
- (2) Train all persons who may operate or use the alarm system in the proper operation or use of the alarm system.
- (3) Pay when due all fees and penalties associated with the alarm permit and the operation or use of, including the generation of any false alarm signal from, the alarm system.
- (4) Maintain the alarm site in a manner that ensures proper operation or use of the alarm system.
- (5) Maintain or cause to be maintained the alarm system in a manner that will minimize the occurrence of false alarms.
- (6) Respond or cause a representative to respond within a reasonable period of time when notified by the police department to repair a malfunctioning alarm system, to provide access to the alarm site, or to provide security for the alarm site.
- (7) Ensure that the alarm system is not manually triggered for any reason other than an occurrence of an event that the alarm system was intended to report.
- (8) Maintain at the alarm site a complete set of written instructions for the alarm system, excluding any special codes, combinations, or passwords.
- (9) At least 30 days prior to relinquishing control of the alarm site, deliver written notice of cancellation of the alarm permit to the department.
- (10) Upon the giving of written notice of the cancellation of his alarm permit to the department, or upon receipt of notice from the director that his alarm permit has been terminated, revoked or otherwise has become invalid under this article, immediately notify the following persons that it is unlawful to operate or use the alarm system, or to cause or allow it to be operated or used until a new alarm permit has been applied for and issued by the department:
  - a. Persons-in-control of the alarm site;
  - b. Persons who will be in control of the alarm site after the permit holder's relinquishment of control;
  - c. The alarm subscriber; and
  - d. The alarm systems company.

- (11) Keep the alarm permit at the alarm site and produce the alarm permit for inspection upon the request of the police chief or the director.
- (12) Promptly give updated alarm permit application information to the department in writing when any information contained in or relevant to the alarm permit application has changed or is out of date. The updated information in all circumstances must be provided within 15 days after the information changed or became out of date.
- (13) Comply with all requirements of this article and applicable city and police department policies, procedures, standards and regulations.

**Sec. 11-65. Duty of person notified by police department to provide access to premises.**

Any person who is notified by a member of the police department that an alarm signal has been received from an alarm system and who is able to give access to the alarm site shall come to the alarm site within one hour of the time such person is notified of such signal and shall provide the police department any necessary access or assistance.

**Sec. 11-66. Other requirements for operation of alarm systems; prohibitions.**

No person shall install or cause or allow to be installed and no person shall operate or use or cause or allow the operation or use of any alarm system unless all of the following requirements are met:

- (1) An alarm system that can be activated as a result of more than one type of emergency situation shall generate a unique alarm signal to designate that it has been triggered as a result of a holdup, a burglary, or any other different type of emergency situation to ensure that the proper alarm notification and a proper response, if any, can be made.
- (2) A local alarm shall have an automatic 30-minute shutoff from the time it generates an alarm signal and must not sound similar to a siren, an emergency vehicle, or a civil defense warning system. For purposes of this subsection, any alarm system that emits any variable tone (as opposed to a steady pitch or a ringing sound as is made by a bell) shall be considered to be emitting a sound that is similar to a siren, an emergency vehicle, or a civil defense warning system.
- (3) No holdup alarm shall include a money clip, pressure pad, or similar device that can cause the alarm system to be triggered inadvertently and shall be designed to ensure that it may be triggered only by deliberate human action.
- (4) No person shall use or permit the use of an automatic dialer or automatic dialing device.

**Sec. 11-67. False alarm signals prohibited; exceptions.**

- (a) No person shall intentionally or knowingly cause an alarm system to be triggered for any purpose other than an emergency or threat of emergency of the kind for which the alarm system was designed to give notice; provided, however, it shall be an affirmative defense to prosecution under this subsection that the alarm system was triggered solely for the purpose of testing the alarm system and the person who tested the alarm system was duly licensed under Chapter 1702 Texas Occupations Code and took reasonable precautions to avoid any alarm notification being sent to the police department.
- (b) This section shall not be deemed to apply to conduct prohibited by Chapter 42.06 of the Texas Penal Code, as presently enacted or subsequently amended.

**Sec. 11-68. Penalties for false alarms and non-permitted alarms; collection fees; hearing on false or non-permitted alarm determination.**

- (a) *False alarm.* For a burglar alarm system, the permit holder will be charged the penalty fee stated for this provision in the city fee schedule for each false alarm in excess of three during the preceding 12-month period.
- (b) *False residential panic or holdup alarm.* For a residential alarm site, the permit holder of a panic or holdup alarm system will be charged the penalty fee stated for this provision in the city fee schedule for each false panic or holdup alarm in excess of one during the preceding 12-month period.
- (c) *False non-residential panic or holdup alarm.* For a non-residential alarm site, the permit holder of a panic or holdup alarm system will be charged the penalty fee stated for this provision in the city fee schedule for each false panic or holdup alarm in excess of one during the preceding 12-month period.
- (d) *Alarm generated by a non-permitted alarm system.* If HEC or the police department receives an alarm notification, regardless of whether the alarm is false, from an alarm system that does not have a valid alarm permit, the alarm subscriber and the persons-in-control of any portion of the alarm site shall be charged a penalty fee for each such alarm notification and shall be jointly and severally liable to the city for payment thereof. The penalty fee amount is stated for this provision in the city fee schedule, based on the type of alarm notification received.
- (e) *Notice.* A notice of each false alarm or alarm generated by a non-permitted alarm system shall be mailed to the permit holder by the director, or to any general addressee at the alarm site address if there is no valid alarm permit, within 30 days from the date of the alarm. The notice shall include:
  - (1) The date of the alarm; and
  - (2) The address of the alarm site, and if the alarm site is a multi-unit housing facility, the identification of the individual facility where the false alarm occurred.

Except for collection fees added pursuant to subsection (l) of this section, all fees and penalties assessed under this section shall be paid to the department within 60 days

following the date that the city places the false or non-permitted alarm notice in the mail, unless a hearing has been timely requested under subsection (f) of this section.

- (f) *Hearing on false or non-permitted alarm.* If the permit holder, or an alarm subscriber or other person-in-control if there is no valid alarm permit, disputes any part of the false or non-permitted alarm notice, such person (appellant) must mail or deliver a written statement to the director requesting a hearing. The request for hearing must be received by the director not later than the 30<sup>th</sup> day following the date that the city places the false or non-permitted alarm notice in the mail.
- (g) *Purpose of hearing.* The sole purpose of the hearing set out in the preceding subsection shall be to ascertain whether the disputed alarm was false or generated by a non-permitted alarm system. The request for hearing shall specify facts and have documents and records attached that prove the alarm was not false or generated by a non-permitted alarm system.
- (h) *Rules and procedures for hearing.* Hearings shall be conducted in accordance with the rules established for that purpose by the director. The proceedings shall be informal. Without limitation of other provisions that may be established in such rules, the records generated by the police department personnel who responded to the alarm shall be admissible as proof of their contents, and the police department personnel who responded shall not be required to testify at the hearing.
- (i) *Authority of director.* The director shall have the discretion at any time prior to the hearing to reverse a determination that an alarm was false or generated by a non-permitted alarm system if the records clearly establish the alarm was not in fact false or generated by a non-permitted alarm system.
- (j) *Burden of proof.* At the hearing, the burden shall be upon the appellant to demonstrate by a preponderance of the evidence that the alarm was not false or generated by a non-permitted alarm system. If the appellant fails to appear at the hearing, the penalty assessed in connection with the notice of the false alarm or alarm generated by a non-permitted alarm system shall be affirmed based on the appellant's failure to appear.
- (k) *Final decision.* The decision of the hearing officer shall be final, and fees and penalties assessed, if applicable, shall be paid within 15 days following the date that notice of the decision is mailed or hand-delivered to the appellant.
- (l) *Collection fee.* A collection fee of 30 percent of the false alarm penalty amount shall be added to each false alarm penalty assessed under this section if the false alarm penalty remains unpaid on the 61<sup>st</sup> day following the date the city places the false or non-permitted alarm notice in the mail after it is due. Collection fees are due and payable on the day they are added to the false alarm penalty.

#### **Sec. 11-69. Common cause for a series of false alarms.**

- (a) *In general.* Notwithstanding other provisions in this article to the contrary, false alarms of an alarm system may be accounted for as provided in this section to the extent the false alarms are attributable to a common cause.

- (b) *Establishment of common cause; conditions.* A series of false alarms shall be deemed as originating from a common cause and counted as one false alarm if all of the following conditions are met:
- (1) The series of false alarms occurs within a 72-hour period;
  - (2) The alarm system has a valid alarm permit at the time of the false alarms;
  - (3) The cause of the series of false alarms is repaired before it generates additional false alarms;
  - (4) Within 15 days after the end of the 72 hour common cause period, an alarm systems company duly licensed under Chapter 1702 of the Texas Occupations Code provides the police chief with documentation verifying the technical difficulty or malfunction that caused the series of false alarms, and that all necessary repairs have been completed;
  - (5) During the 30 day period following the repair, the alarm system generates no additional false alarms from the documented common cause; and
  - (6) There are no unpaid fees or penalties under this article due and owing from the permit holder.
- (c) *Application of section.* This section shall not apply to:
- (1) The same alarm site, alarm system, alarm subscriber or permit holder more than once in any 24-month period; or
  - (2) Non-permitted alarm systems.

**Sec. 11-70. Revocation of alarm permit; denied renewal; termination of police department response.**

- (a) *Grounds for revocation or denial.* An alarm permit shall be revoked or denied renewal by the director for any of the following reasons:
- (1) *Unpaid amounts.* The permit holder has failed to make payment in full to the city for any fees and penalties due under this article within 60 days after the date the director has mailed a notice to the permit holder that the fees and penalties are due and owing, or within 15 days following the date of mailing or delivery of the decision notice adverse to the permit holder if an appeal has been timely filed;
  - (2) *Burglar alarm system; excessive false alarms.* The permit holder for a burglar alarm system on a residential or non-residential alarm site accrues more than seven false alarms during the preceding 12 month period;
  - (3) *Panic or holdup alarm system; excessive false alarms.* The permit holder for a panic or holdup alarm system accrues more than:

3 .....	false alarms in the preceding .....	1-month period;
---------	-------------------------------------	-----------------

4 .....	false alarms in the preceding	3-month period;
5 .....	false alarms in the preceding .....	6-month period; or
6 .....	false alarms in the preceding .....	12-month period.

- (4) *Code violations.* The permit holder has violated any applicable provision of this article or has failed to perform any duty imposed by this Code; or
- (5) *Other grounds.* Any fact or circumstance exists that would be a basis for denial of an application for issuance or renewal of an alarm permit, or the alarm permit was otherwise obtained or issued in error.
- (b) *Effect of alarm permit revocation or expiration.* Upon revocation or expiration of the alarm permit by the director, the alarm system becomes a non-permitted alarm system, and all penalties, fees and punishments authorized by this article for a non-permitted alarm system are applicable.
- (c) *Notice of alarm permit denial or revocation.* If the director denies an application for an alarm permit, the director shall cause a denial notice to be sent to the applicant at the address set out in the permit application and shall maintain a copy thereof. The notice shall state the reasons for the denial and advise the applicant of the right to a hearing as provided in section 11-71 of this Code.
- (d) *Termination of police response.* The police department may decline or terminate police department response to any alarm site at any time without notice at the discretion of the police chief, except in those instances where a denial of response would be prohibited by state law.

**Sec. 11-71. Appeals.**

- (a) *Appeal; written request required.* A person may appeal the denial or revocation of an alarm permit by delivering a written request for an appeal to the director not later than 1530 days after the first date of mailing written notice of denial or revocation.
- (b) *Hearing officer.* All appeal hearings shall be held by a hearing officer appointed by the director. The director shall not designate any person to perform the duties of appeal hearing officer under this section who has participated in the investigation of false alarms from the alarm site in question or has prior knowledge of the particular allegations or circumstances discovered in such investigation. The appeal hearing officer may, prior to the hearing, receive a copy of the notice given to the permit holder or applicant.

- (c) *Assistant city attorney.* An assistant city attorney may be present at the hearing to advise the appeal hearing officer as to procedural matters; however, that assistant city attorney shall not participate in any determination of the facts.
- (d) *Conduct of hearing; rules and procedures.* All appeal hearings shall be informal and conducted under rules established by the director consistent with the informal nature of the proceedings; provided, however, the following rules shall apply to all appeal hearings conducted under this section:
  - (1) All parties shall have the right to representation by an attorney licensed to practice in Texas, though an attorney is not required.
  - (2) Each party may present witnesses in his own behalf.
  - (3) Each party shall have the right to cross examine all witnesses.
  - (4) The appeal hearing officer shall consider only the evidence presented at the appeal hearing in rendering a final decision.
- (e) *Authority of hearing officer.* The appeal hearing officer may affirm or reverse an alarm permit denial or revocation; however, no proceeding under this section may be used to address or reconsider whether an alarm signal was false or generated from a non-permitted alarm system. The exclusive remedy for determining whether an alarm was false or non-permitted shall be the review process established in section 11-68(f)—(k) of this Code.

**Sec. 11-72. Mandatory verification of burglar alarm; alarm notification.**

- (a) *[Verification.]* Prior to generating an alarm notification, an alarm systems company shall verify the alarm signal and determine the permit status of the alarm system at the location of the alarm signal.
- (b) *Notice; requirements.* An alarm notification to HEC or the police department shall include all of the following:
  - (1) For a burglar alarm notification, whether the mandatory verification has been completed;
  - (2) Type of alarm signal;
  - (3) Alarm permit number and name of the permit holder;
  - (4) Street address of the alarm site, including the particular suite, apartment, or individual facility number or other designation, if applicable;
  - (5) If requested by the official receiving the alarm notification, the name(s) and local telephone number(s) of the person(s) to notify, if so authorized by the permit holder; and
  - (6) Such additional information as HEC or the police department may reasonably require.

(c) *Policies and procedures; effect.* Policies and procedures instituted by the police chief may include provisions that if the alarm notification provided in subsection (b) of this section is incomplete or erroneous:

- (1) The request for dispatch shall be assigned a lower priority than would otherwise be the case; or
- (2) No officer shall be dispatched.

**Sec. 11-73. Alarm systems performance reviews.**

If the police chief believes that an alarm system is not being used or maintained in a manner that reasonably ensures proper operation and prevention of false alarms, the police chief may require a conference with the permit holder and the individual or other entity responsible for maintenance of the alarm system to review the circumstances of each alarm.

**Sec. 11-74. Violations; penalty; corporations; partnerships and associations.**

- (a) Except where a fine is specifically stated herein, whenever in this article an act is prohibited or is made or declared to be unlawful or an offense or misdemeanor, or whenever in this article the doing of any thing or act is required or the failure to do any thing or act is prohibited, the violation of the provision shall be and constitute a misdemeanor punishable, upon conviction, by a fine of not less than \$250.00 nor more than \$500.00. Each violation shall constitute and be punishable as a separate offense. Prosecution or conviction under this provision is cumulative of and shall never be a bar to the imposition or collection of false alarm penalties, non-permitted alarm penalties, fees or any other civil or administrative remedy provided or allowed in this article.
- (b) In addition to prohibiting or requiring certain conduct of individuals, it is the intent of this article to also hold a corporation, partnership, association, limited partnership, limited liability corporation or other such entity criminally responsible for acts or omissions performed by an agent acting on its behalf.

**Sec. 11-75. Certain notices; procedure.**

Any notice required or allowed by this article to be sent by the director to a permit holder or other person, unless expressly provided otherwise in this article, shall be considered sufficient if sent by first class U.S. Mail to the permit holder's address, billing address or alarm site address as set forth in the alarm permit application or the most recent amendment thereto, or the address specified by the permit holder in writing to the department.

**Sec. 11-76. Standards and procedures.**

Development of policies and procedures. The director and the police chief, as applicable, shall have the authority to institute standards and procedures necessary to implement and enforce this article to ensure the effective utilization of police department and HEC resources, and the enhancement of public safety. In establishing any rules, regulations and policies regarding the administration of the permitting process, hearings or appeals, the director and the chief of police shall consult with each other to ensure to maximum efficiency and coordination between their departments.

**Sec. 11-77. Use and allocation of revenues.**

Revenues from alarm permit fees and penalties collected pursuant to this article shall be placed in the General Fund and used to defray the costs associated with administering this article, including the costs of responding to alarm calls, and for other purposes of the department or the police department, except as may be limited by state law, including Local Government Code, Chapter 214, Subchapter F.

---

**FOOTNOTE(S):**

---

--- (3) ---

**Editor's note**— Ord. No. 08-387, § 2, adopted April 30, 2008, amended Art. III in its entirety to read as herein set out. Formerly said article pertained to burglar alarms, holdup alarms and other similar alarm systems and derived from Ord. No. 91-1346, § 2, 9-18-91. **(Back)**

It should also be noted that § 3 of Ord. No. 08-387 states that the provisions of this Ordinance shall take effect on the 90<sup>th</sup> day next following the date of its passage (Apr. 30, 2008) and approval by the Mayor, and shall apply to all permits issued on or after the effective date of this Ordinance. Permits issued or renewed before the effective date of this Ordinance shall be governed by the former provisions of the Code of Ordinances, Houston, Texas, provided the alarm permits continuously remain valid, but in no event longer than 12 months after the effective date of this Ordinance. Upon expiration, revocation, cancellation or other event that causes or allows the permit to become invalid, a new permit shall be applied for in accordance with this Ordinance. The former provisions of the Code of Ordinances are hereby saved from repeal for the limited purpose of their continued application to such previously issued permits. **(Back)**

