

**ORDINANCE NO. 3211**

**AN ORDINANCE OF THE CITY OF DEER PARK AMENDING SECTIONS 34-61 THROUGH 34-86 REGARDING ALARM SYSTEMS, PROVIDING DEFINITIONS, PROVIDING FOR PERMITS, PROVIDING PROCEDURES FOR REVOKING PERMITS, PROVIDING FOR PENALTIES, PROVIDING AN EFFECTIVE DATE:**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DEER PARK:**

**Section 1:** The City Council of the City of Deer Park hereby amends Sections 34-61 thru 34-86 of the Deer Park Code Of Ordinances.

**Section 2: 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 a different meaning:

**ALARM PERMIT** - A permit issued by the City allowing the operation of an alarm system within the City.

**ALARM SYSTEM** - Any electrical, mechanical, or electronic device or assembly of equipment that emits, transmits, or relays a signal intended to summon, or that would reasonably be expected to summon, by direct or indirect means, the aid of the Police Department of the City. For purposes of this article, the following types of alarm systems are exempted:

(a) An alarm system installed on a motor vehicle.

(b) An alarm system designed so that no notification is given to the Police Department until after the occupants or an agent of the owner or lessee have inspected the alarm site and determined that there is physical evidence at the site showing that the alarm was the result of criminal activity of the kind for which the alarm system was designed to give notice and does so notify the Police Department if a person who is able to grant access to the alarm site remains at

such site until the Police Department arrive whenever they are notified after an alarm has been activated, and such person renders access and such other assistance as he is able to give and that is needed by the Police Department to properly investigate the situation.

(c) Alarm systems that provide medical only monitoring services with the exclusion of burglary, fire, or some other emergency service, which would otherwise require an alarm permit.

**ALARM SYSTEM MONITORING COMPANY** - Any individual, partnership, corporation or other form of association that engages in the business of monitoring security alarm systems and reporting any activation of such system to the Police Department.

**AUTOMATIC TELEPHONE DIALING SYSTEM** - A security alarm system with a device that automatically transmits, without human activation of the device by the alarm user, by telephone or telephone line to the Police Department, a recorded message or code signal indicating the need for emergency response.

**ALARM USER** - Any individual, partnership, corporation or other form of association that owns or leases an alarm system or on whose premises an alarm system is maintained for the protection of the premises.

**CHIEF OF POLICE** - The Chief of Police of the City of Deer Park or his designee.

**DISPATCH OR RESPONSE** - A discretionary decision whether or not to direct emergency units to a location where there has been a request, made by whatever means, for police assistance or investigation. There is no duty to dispatch under any circumstances, including answering an alarm signal, and all dispatch decisions are made subject to competing priorities and available resources.

**FALSE ALARM** - Any alarm that was not the result of an emergency or threat of emergency of the kind for which the alarm system was designed to give notice. False alarm does not include any alarm signal caused by violent conditions of nature or other extraordinary circumstances, including short term mechanical failures that are corrected within two (2) days and do not reoccur for at least one (1) year.

**DISCONNECT** - To render an alarm system disabled so as to prevent any direct or indirect notification to the Police Department by a silent or local alarm.

**LOCAL ALARM SYSTEM** - Any alarm system emitting audible and/or visual signals in, at, or on the alarm site when activated, and which causes notification to be made directly or indirectly to the Police Department.

**Section 2: PERMIT REQUIRED; EXCEPTIONS; NUMBER**

(a) No person shall operate, cause to be operated, or allow the operation of an alarm system unless a valid permit has been issued for that system or as otherwise allowed by law; however, this subsection shall not be applicable to an alarm system business which monitors, and/or services an alarm system and that is designed to protect property belonging to a person other than the alarm system business system. Any person who operates, causes to be operated, or allows the operation of an alarm without a valid permit shall be subject to misdemeanor prosecution and response fees. Violation of this section shall be a Class C Misdemeanor punishable by a fine not to exceed five hundred (\$500.00) dollars.

(b) A response, if any, made by the Police Department upon proper notification by an alarm system business shall be subject to the policies and procedures of the department governing, but not limited to, the priorities for responses.

(c) The issuance of a permit authorizing the use of an alarm system is not intended to nor shall it create a contract, either express or implied, creating a duty or guarantee of response. Any and all liability and consequential damages resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained.

(d) After the effective date of this ordinance, alarm user permits are to be acquired from the Police Department Records Unit. The initial registration and permit fee is fifty (\$50.00) dollars per business alarm site and twenty-five (\$25.00) dollars per residential alarm site.

(e) Each permit issued pursuant to this article shall be valid for a twelve (12) month period from the date of issuance as stated on the permit. If the permit holder relinquishes control of the alarm site before the expiration of twelve (12) months, then the permit extinguishes on the date of relinquishment. If an alarm user has one (1) or more alarm systems protecting two (2) or more separate structures, a separate permit will be required for each structure.

(f) An alarm system installed upon premises occupied by the United States government, the state, the City, or any county government or quasi-governmental agency situated within the corporate limits of the City shall require only one permit per government entity, regardless of the number of premises upon or within which an alarm system is or is to be installed.

### **Section 3: ALARM PERMIT APPLICATION**

(A) Application for a permit authorizing the operation of an alarm system shall be made by a person who: owns, leases, uses, resides at, or manages the property upon which the alarm system is installed. Such application shall be made in writing to the City on a form designated for that purpose. On such application shall be set forth:

- (1) The name, local address, telephone number(s), date of birth, and Texas driver's license of the permit holder.
- (2) 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 permit holder is to be a partnership; or the corporate charter with the names and addresses of officers and registered agents or the certificate of authorization to do business from the Secretary of State if the permit holder is to be a corporation.
- (3) The street address of the property on which the alarm system is to be installed and operated, including the particular suite or apartment number(s) if applicable.
- (4) Any business name used for the premises on which the alarm system is to be installed and operated.
- (5) Whether the alarm system is a local alarm and whether it is designed to give notice of a burglary, robbery, or other life-threatening emergency.
- (6) The name of the alarm system business that has installed or will install the alarm system.
- (7) In addition to the permit holder,
  - a. The names, local address and telephone numbers of two (2) persons, or the name and local telephone number of an alarm system business which are able to and have agreed to:
    1. Receive notification at any time;
    2. Come to the alarm site within one (1) 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 such becomes necessary; or

b. The name and local telephone number of an alarm system business which is able and has agreed to receive calls at any time and to give the Police Department the names of persons listed with that company as set out below if:

1. The permit holder has given the alarm system business the names and local telephone numbers of two (2) persons who are able and have agreed to receive notification at any time; to come to the alarm site within one (1) 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 permit holder has authorized the alarm system business to provide the names listed with that business pursuant to above subsection 7(b)(1) to the Police Department whenever that department has requested that information in order to obtain assistance after an alarm has been activated.

**(8)** Whether all charges owed to the City by the applicant have been paid.

**(9)** If an individual residence or apartment, the names of all the other residents.

**(B)** Such application shall be signed by the person making the application for the permit acknowledging he has read the application, affirming the correctness and accuracy of the information given on the application and authorizing the release to the Police Department of information specified in section 10.

- (C) The City may deny the permit application if any of the following conditions exist:
- (1) Any statement made in the application was incomplete, misleading or false.
  - (2) The Applicant has not paid all charges owed to the City.
  - (3) The Alarm System installed at the Alarm site has, or is of the type that has a history of unreliability.
  - (4) The alarm site was not previously permitted while under the control of the applicant and has outstanding alarm fees owed to the City.
- (D) Any Applicant that is denied a permit or terminated must appeal in writing to the Police Chief's office. The Police Chief's decision may be appealed to the City Manager's office.

**Section 4: AMENDMENTS TO APPLICATION**

Whenever a person listed on the application or listed on an amendment to the application is unable or unwilling to perform the duties set out in Section 3(a)(7), the permit holder shall file an amendment to the permit application listing a person or company who is able and will perform those duties so that at all times the application on file with the Police Department designates at least two (2) persons or an alarm system business who are able and willing to perform such duties.

**Section 5: TERM; RENEWAL**

(a) Each permit issued pursuant to this article shall be valid for a twelve (12) month period from the date of issuance as stated on the permit. If the permit holder relinquishes control of the alarm site before the expiration of twelve (12) months, then the permit extinguishes on the date of relinquishment.

(b) Upon expiration of the twelve (12) month period, a renewal application must be presented to the City along with the renewal fee of fifty and no/100 (\$50.00) dollars for each business alarm site and twenty-five and no/100 (\$25.00) per residential alarm site, if there have

been less than nine (9) false alarms over the twelve (12) month period, to renew the permit within ten (10) City working days; after that time a new permit must be applied for. If any fees, charges or fines remain owed to the City or if there is a history of unreliability, the City shall deny the application until such time all fees or charges have been paid and unreliability is shown to have been corrected. The renewal permit shall be valid for twelve (12) months.

**Section 6: ALARM PERMIT NONTRANSFERABLE**

Each permit issued shall be valid only for the premises permitted and is not transferable to another person or other premises. Upon transfer from the permit holder of ownership or leasehold rights to the alarm site, a new permit must be applied for according to this article.

**Section 7: ALARM PERMIT TO BE KEPT AT ALARM SITE**

The permit holder shall keep the alarm permit at the alarm site and shall produce such permit for inspection upon the request of any member of the Police Department empowered to make such inspection or responding to an alarm.

**Section 8: DUTIES**

(a) The permit holder shall ensure that he or any person listed with the Police Department under section 3 and 4 is able to:

- (1) Receive notification at any time;
- (2) Come to the alarm site within one (1) 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 such becomes necessary.

(b) The permit holder shall train all persons who may activate the alarm system in the proper operation of the alarm system.

(c) The permit holder will be responsible for all fees associated with the permit or the operation of the system.

**Section 9: DUTY OF PERSON NOTIFIED BY POLICE DEPARTMENT**

Any person who is notified by any member of the Police Department of the activation of an alarm system and who is able to give access to the alarm site shall come to the alarm site within one (1) hour from the time such person is notified of such activation and shall provide the Police Department any necessary access or assistance.

**Section 10: DUTY OF ALARM SYSTEM BUSINESSES**

(a) Any alarm system business which installs or activates an alarm system within the City shall provide the Police Department the following information on a form designated by the City:

- (1) The street address where such system is installed;
- (2) The name, address, and telephone number of the person contracting for its services;
- (3) The type of alarm system; and
- (4) The permit number for the alarm site and name of permit holder.

(b) Such form shall be submitted to the Police Department not earlier than twenty (20) days prior to the date of installation of such system and not later than forty-eight (48) hours after such system is installed. The Police Department shall protect such information as confidential information and its use shall be restricted to legitimate law enforcement purposes and to enforcement of this article.

**Section 11: OPERATION OF ALARM SYSTEM**

(a) No person shall install, cause to be installed, or permit to be installed any alarm system unless the following are met:

- (1) Any alarm system which may be activated as a result of different types of emergency situations shall give a silent signal, if so equipped, that is unique to designate activation as a result of a holdup, a burglary, a fire, or any other different type of emergency situation so that the proper notification and proper response can be made; otherwise,
- (2) Any alarm system designed to emit an audible signal or sound intended to be heard from the exterior of the alarm site shall have a thirty (30) minute shutoff from the time of activation which will not sound again as a result of the same event that resulted in the original activation. Further, the audible signal or sound must not sound similar to that of a siren, an emergency vehicle, or a civil defense warning system.
- (3) All alarm systems shall have a backup power supply that will become effective in the event of a power failure or outage in the source of electricity from the electric company.
- (4) No person shall use or permit the use of an automatic telephone dialing system or any telephone device or telephone attachment which automatically selects any telephone line leading into the communication center of the Police Department or any number leading into the offices of the City and then transmits any prerecorded message or signal;

- (5) No person shall use or permit the use of any system which gives notification of the activation of an alarm system directly to the Police Department by any means other than live human voice.

**Section 12: ALARM USERS**

An alarm user shall:

- (a) Maintain the premises and security alarm system in a manner that will minimize or eliminate false alarms;
- (b) Review all alarm system operating instructions, including those for verification of an alarm;
- (c) Notify the alarm system monitoring company of a false alarm activation as soon as the user is aware of the false alarm; and
- (d) Not manually activate an alarm except when needing an immediate response to an emergency.

**Section 13: ALARM SYSTEM VERIFICATION PROCESS**

A verification process is an independent method of an alarm system monitoring company for determining that a signal from a security alarm system requires immediate emergency response. The verification process shall not take more than five (5) minutes, calculated from the time that the alarm company receives the alarm signal until the alarm company determines whether to request an emergency dispatch. The means of verification shall include at least one (1) of the following:

- (a) The establishment of voice communication with the alarm user or a person authorized by the user at or near the premises with the alarm who may indicate whether there is an immediate need for police response;

(b) A feature that permits the alarm user or a person authorized by the user to send a special signal to the alarm company that will cancel the alarm immediately after the signal has been sent and prevent the alarm company from calling the Police Department;

(c) The installation of a video system that provides the alarm company when the alarm signal is received with the ability to ascertain whether activity is occurring that warrants immediate police response;

(d) A confirmation that an alarm signal reflects a need for immediate police response from either the alarm user or a person authorized by the user or an alternate response agency made before dispatching the Police Department; or

(e) An alternate system that the Chief of Police determines has or is likely to have a high degree of reliability.

#### **Section 14: FALSE ACTIVATION PROHIBITED**

(a) No person shall activate an alarm system for the purpose of summoning emergency personnel except in the event of a fire, unauthorized entry, robbery, or other crime being committed or attempted on the premises, or if the person needs assistance in order to avoid injury or serious bodily harm.

(b) Any person who shall notify emergency personnel of an activated alarm and have knowledge that such activation was apparently caused by an electrical or other malfunction shall at the same time notify the police of the apparent malfunction.

#### **Section 15: FALSE ALARM FINES**

If there have been three (3) or more false alarms, but less than six (6) false alarms, the fine shall be fifty and no/100 (\$50.00) dollars per false alarm. If there have been six (6) or more false alarms, but less than eight (8) false alarms, the fine shall be seventy-five and no/100

(\$75.00) dollars per false alarm. If there have been eight (8) or more false alarms, the fine shall be one hundred and no/100 (\$100.00) dollars per false alarm.

**Section 16: DETERMINATION OF FALSE ALARM; REBUTTABLE PRESUMPTION**

For the purpose of this Ordinance, there is a rebuttal presumption that the following determinations made by the Chief of Police or by a Police Department officer dispatched to the premises reporting an alarm signal are correct:

(a) There is no evidence of a crime or other activity that would warrant a call for immediate police assistance at the premises;

(b) No individual who was on or near the premises or who has viewed a video communication from the premises called for a Police Department dispatch or verified a need for an immediate emergency response; and

(c) There is no evidence that violent conditions of nature or other extraordinary circumstances caused the activation of the alarm.

**Section 17: EFFECTIVE DATE**

This Ordinance shall become effective on July 15, 2008.

**Section 18: NOTICE CLAUSE**

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public, and that public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551 Of The Government Code Of The State Of Texas.

**SECTION 19 EMERGENCY CLAUSE**

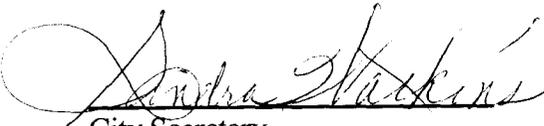
The City Council finds that this Ordinance relates to the immediate preservation of the public peace, safety and welfare, in that it is necessary that the above regulations be immediately put

into effect to orderly regulate the Alarm Systems in the City and guide traffic movement for the protection of persons and property, thereby creating an emergency, for which the Charter requirement providing for the reading of Ordinances on three (3) several days should be dispensed with and this Ordinance should be passed finally on its introduction; and, accordingly, such requirement is dispensed with and this Ordinance shall take effect upon its passage and approval by the Mayor.

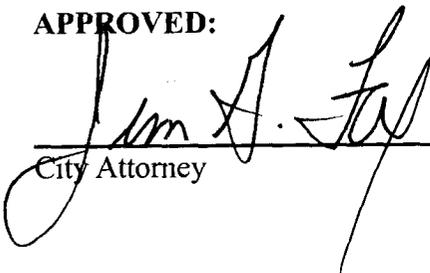
**PASSED, APPROVED AND ADOPTED** on the first and final reading this 15 day of July, 2008 by a vote of 7 "ayes" and 0 "noes", this Ordinance having been read in full prior to such vote.

  
\_\_\_\_\_  
**MAYOR**, City of Deer Park, Texas

**ATTEST:**

  
\_\_\_\_\_  
City Secretary

**APPROVED:**

  
\_\_\_\_\_  
City Attorney