



FARMERS
BRANCH

ORDINANCE NO. 3364

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 30 "EMERGENCY SERVICES" BY AMENDING ARTICLE III "ALARM SYSTEMS" TO PROVIDE FOR REGULATIONS GOVERNING ALARM SYSTEMS; BY AMENDING APPENDIX A "FEE SCHEDULE" BY AMENDING THE FEES FOR ALARM SYSTEMS; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00); AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THAT:

SECTION 1. That Chapter 30 of the Code of Ordinances "Emergency Services" is amended by amending Article III "Alarm Systems" to read as follows:

"ARTICLE III. ALARM SYSTEMS

Sec. 30-71. 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 site means a single premises or location (one street address) served by an alarm system or systems.

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 the city's police department in response to a burglary. The term includes, but is not limited to, *Local alarms*. The term does not include:

- (1) An alarm installed on a motor vehicle unless such vehicle is permanently located at a site;
- (2) Any device or system designed solely to alert occupants of a building or residence which will not emit a signal either audible or visible that can be heard or seen outside the building or residence, or;
- (3) An alarm system designed solely to detect or give notice of fire, smoke, or water flow.

Alarm notification means a communication or notification intended to summon the police, which is initiated or triggered manually or by a stimulus characteristic of unauthorized intrusion.

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

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

Director means the chief of police of the City of Farmers Branch or his authorized representative.

False alarm means a notification of criminal activity reported to law enforcement that is:

- (A) based solely on electronic information remotely received by an alarm system monitor;
- (B) uncorroborated by eyewitness, video, or photographic evidence that an emergency exists; and
- (C) verified by the city that no emergency exists after an on-site inspection of the location from which the notification originated.

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

Monitoring System means a device or system that transmits an alarm signal intended to notify only the responsible person of the system or the inhabitants of the structure without the intent of summoning an emergency service of the city.

Panic/Distress alarm means a notification generated by the activation of a device intended to signal a life threatening or emergency situation.

Robbery alarm notification means a notification of a robbery or an attempted robbery.

Sec. 30-72. Permit required; application; issuance, transferability; false statements.

- (a) A person commits an offense if he operates or causes to be operated an alarm system without first obtaining an alarm permit from the Director. This requirement is applicable to the person in control of the property, which the alarm system is designed to protect.

- (b) Upon receipt of the complete application form and the alarm permit fee as listed in appendix A, the Director shall issue a permit, unless there is cause to believe the equipment responsible for initiating an alarm will not be maintained and operated in accordance with this article; the Director has reason to believe the applicant will not comply with each provision of this section; or the applicant has failed to pay a service fee assessed under this chapter or has had an alarm permit for the alarm site revoked, and the violation causing the revocation has not been corrected.
- (c) Each alarm system permit application must contain the name, address, telephone number and any other information required by the Director which is necessary for the enforcement of this chapter. The individual or alarm user representative listed on the application will be the permit holder for the alarm system and be responsible for the proper maintenance, operation and payment of fees assessed under this chapter.
- (d) An alarm permit cannot be transferred; however, the individual designated to respond to an alarm or relay an alarm may be changed. A permit holder shall inform the Director of any change that alters information listed on the original permit application within five (5) days.
- (e) Any false statement or misrepresentation of a material fact made by an applicant for the purpose of obtaining an alarm permit or renewal, or while making a change thereto, shall be sufficient cause for refusal to grant, or suspension of a permit.
- (f) The alarm permit fee shall be as listed in appendix A.

Sec. 30-73. Alarm systems in apartment complexes.

- (a) The owner or property manager of an apartment complex shall obtain a master alarm permit from the Director upon payment of the alarm permit fee as listed in appendix A if the apartment complex provides alarm systems within the individual apartments located in the apartment complex.
- (b) A tenant of an apartment complex shall obtain an alarm permit from the Director before operating or causing the operation of an alarm system in the tenant's residential unit regardless of whether or not the alarm system is provided by the complex or was installed at the direction of the tenant.
- (c) For purposes of assessing service fees and enforcing this section against an individual residential unit, the alarm permit of the tenant supersedes the master alarm permit of the apartment complex, and the tenant is responsible for payment of service fees for false alarm notifications emitted from the alarm system in the tenant's residential unit. The master alarm permit holder is responsible for payment of service fees for false alarm notifications emitted from unoccupied residential units.

- (d) The owner or property manager of an apartment complex that has a master alarm permit shall not be required to obtain an additional permit for common tenant areas, offices, or storage and equipment areas that are equipped with an alarm system in apartment complexes.

Sec. 30-74. Exemption of certain government buildings.

Government and school district(s) buildings located within the corporate city limits of the City of Farmers Branch shall comply with the requirements of this chapter; provided however, that they shall be exempt from payment of fees.

Sec. 30-75. Alarm permit; false alarm fees.

A person commits an offense if he operates or causes to be operated an alarm system without first obtaining an alarm permit from the Director.

Sec. 30-76. Audible alarm systems.

- (a) Alarm systems, to include local alarms, which emit an audible signal shall not be heard from a radius that exceeds 200 feet from the exterior of the structure where the alarm system is situated.
- (b) If innovations in alarm systems or other types of alarm devices adversely affect emergency police services of the city, the Director may promulgate rules and regulations in order to protect the city's emergency police services.

Sec. 30-77. Permit duration; renewal.

A permit is issued for one year and is automatically renewed each year upon the payment of the alarm permit fee, provided no violations of this article warrant suspension or nonrenewal of the permit. The Director has the prerogative of determining the first expiration date; however, this initial period shall be no less than one, or more than two years from the date of issuance of the permit.

Sec. 30-78. Service charge; false alarm notification.

- (a) Except as provided in subsection (d), the holder of an alarm permit shall pay a service fee as listed in appendix A for each false alarm notification emitted from an alarm site that is in excess of three (3) false alarms in the preceding twelve (12) month period.
- (b) A permit holder shall pay a fee as listed in appendix A within thirty (30) days after mailing of notice that fee has been assessed. The Director may revoke or refuse to renew a permit for failure to pay the fee assessed.

- (c) The permit holder will be exempt from any fee charged for a false alarm notification which is later shown to have been justified.
- (d) If a person notifies the Director and applies for an alarm permit before the installation of a new system, no service fee will be assessed during the first fifteen (15) days after installation, and false alarm notifications during that period will not be counted in determining when a service fee will be assessed.

Sec. 30-79. Reporting of alarm signals.

A permit holder shall not report their alarm signal through a relaying intermediary that does not meet the requirements of this article, and any rules and regulations promulgated by the Director, or is not licensed by the state or the appropriate agency, board or department thereof.

Sec. 30-80. Proper alarm system operation and maintenance.

- (a) A permit holder shall:
 - (1) Cause an adjustment to be made to the sensory mechanism of the alarm system in order to suppress false indications; and
 - (2) Maintain premises containing an alarm system in a manner that does not inhibit proper operation of the alarm system.
- (b) No alarm permit holder shall activate the alarm system to send an alarm notification to the police for test purposes, unless the alarm permit holder first notifies the Director or his representative, and the alarm company monitoring control center, prior to the testing of the system that the signal is for testing purposes only.

Sec. 30-81. Reset required.

A user of an alarm system shall adjust or cause the adjustment of the system so that, upon activation, the system will transmit only one alarm signal and will not transmit another alarm signal without first being reset in such a manner that it will not automatically resound, unless there is an outside stimulus characteristic of an unauthorized intrusion.

Sec. 30-82. Revocation of permit; offense to operate.

- (a) The Director may revoke an alarm system permit for any violation of this article.
- (b) The Director may revoke an alarm permit if an alarm system generates eight (8) or more false alarm notifications in any 12-month period described in section 30-77 upon 30 days written notice from the Director to the permit holder.

- (c) A revocation may be lifted upon a sufficient showing that the conditions which caused the action have been corrected and if the Director determines that the alarm system is likely to be maintained and operated in a responsible manner in accordance with the provisions of this article.
- (d) Should an alarm system user or his agent, after final permit revocation, desire to reapply for a permit, he shall be required to submit a new application, including the required permit fee and pay any other fees associated with this chapter that may be outstanding.

Sec. 30-83. No permit, no police response.

Business alarm permits that have a final revocation of their alarm system permit shall not receive a police response upon notification that an alarm has been activated at the alarm site as listed on the revoked permit unless there is independent verification that a crime has occurred or is occurring. Nothing in this section applies to residential alarm systems.

Sec. 30-84. Appeal from denial or suspension of a permit.

- (a) If the Director refuses to issue or reinstate a permit, or suspends a permit, he shall send to the applicant or permit holder, by certified mail, written notice of his action and a statement of the right to an appeal. The applicant or permit holder may appeal the decision of the Director to the city manager by filing with the city manager a written request for a hearing, setting forth the reasons for the appeal, within ten (10) days after receipt of the notice from the Director. The filing of a request for an appeal hearing with the city manager stays any action of the Director in suspending or denying a permit until the city manager or his designated representative makes a final decision. If a request for an appeal hearing is not made within a ten-day period, the action of the Director is final.
- (b) The city manager or his representative shall serve as hearing officer at an appeal hearing and consider evidence by an interested person. The formal rules of evidence do not apply at an appeal hearing and the hearing officer shall make his decision on the basis of a preponderance of the evidence presented at the hearing. The hearing officer must render a decision within thirty (30) days after the request for an appeal hearing is filed. The hearing officer shall affirm, reverse or modify the action of the Director. The decision of the hearing officer is final.

Sec. 30-85. Duties of alarm company.

A person who is engaged in the business of relaying alarm notifications to the city or otherwise sells, leases, installs or distributes alarm systems shall as applicable:

- (a) Send notifications of an alarm to the city by human operator only after attempting to call the permit holder or person in control of the premises a minimum of two times prior to reporting;

- (b) Keep his business premises in compliance with state law;
- (c) Allow an inspection of his business premises by the Director or his representative;
- (d) Report alarms only over a special telephone number, or numbers designated by the Director;
- (e) Send alarm notifications to the city in a manner and form determined by the Director; and
- (f) Notify the municipality in which the alarm system is located of installation or activation of an alarm system not later than the thirtieth (30th) day after the date of the installation or activation. The alarm company shall provide the municipality:
 - (1) the alarm system 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.

Sec. 30-86. Recorded message alarm notification prohibited.

No permit will be issued for the use of systems using automatic telephone dialing to report an alarm condition by means of a recorded message.

Sec. 30-87. Violations, corporations, partnerships and associations.

- (a) A person, corporation, partnership or other association commits an offense under this section by commission or omission of any provision of this article that imposes upon such person or entity a duty or responsibility.
- (b) In addition to prohibiting or requiring certain conduct on individuals, it is the intent of this article to hold a corporation, partnership or other association criminally responsible for acts or omissions performed by an agent acting in behalf of the corporation, partnership or other association and within the scope of his employment.

Sec. 30-88. Monitoring Systems.

- (a) A person in control of a monitoring system must:
 - (1) Adjust the mechanism so that any audible signals emitted can be heard only inside the alarmed location.

- (2) If applicable, notify the alarm systems company not to dispatch police for an alarm signal unless there is an indication of an emergency or criminal offense.
- (b) If the police department response is requested to a signal from the alarm system in subsection (a) and such alarm signal is a false alarm, a fee shall be imposed on the property owner as listed in appendix A.
- (c) No permit is required for operating a monitoring system.

Sec. 30-89. Penalty.

It shall be unlawful for any person, corporation, partnership or other association to violate any of the provisions of this article, and any such person, corporation, partnership or other association which violates a provision of this article is guilty of a separate offense for each day or portion of a day during which the violation is committed, continued or permitted, and each offense is punishable as provided in section 1-14 of this Code.

Secs. 30-90-30-120. Reserved.”

SECTION 2. That Appendix A “Fee Schedule” of the Code of Ordinances is amended by amending the following table:

“APPENDIX A FEE SCHEDULE

TABLE INSET

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Section this Code	Description	Amount
...		
	<i>Article III. Alarm Systems</i>	
<u>30-72</u>	Alarm permit fee residential	\$30.00
<u>30-72</u>	Alarm permit fee commercial (business)	\$100.00
<u>30-78</u>	False alarm fee in excess of three (3) but fewer than six (6) in the preceding 12-month period	\$50.00
	False alarm fee in excess of five (5) but fewer than eight (8) in the preceding 12-month period	\$75.00
	False alarm fee eight (8) or more in the preceding 12-month period	\$100.00
	Panic/distress alarm fee of three (3) or more in the preceding 12 month period	\$100.00
	Robbery alarm fee of three (3) or more in the preceding 12-month period	\$100.00

<u>30-73</u>	Master apartment complex permit fee	\$100.00
<u>30-88</u>	False alarm fee for response to monitoring system	\$100.00

...”

SECTION 3. That all provisions of the ordinances of the City of Farmers Branch in conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Farmers Branch not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 4. An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Ordinances of the City of Farmers Branch, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 5. That should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof other than the part thereof decided to be unconstitutional, illegal, or invalid.

SECTION 6. That any person, firm, or corporation violating any of the provision or terms of this ordinance, upon conviction in Municipal Court, shall be punishable by a fine not to exceed the sum of Five Hundred Dollars (\$500.00) for each offense.

SECTION 7. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such case provide.

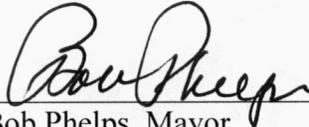
DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, ON THIS THE 5th DAY OF APRIL, 2016.

ATTEST:



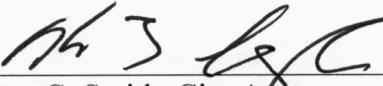
Amy Piukana, City Secretary

APPROVED:



Bob Phelps, Mayor

APPROVED AS TO FORM:



Peter G. Smith, City Attorney
(03-23-2016/76098)