



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		03/14/2016		
Department:		Police		
Department Head		Gregory W. Rushin		
Agenda Coordinator (include phone #): Pam Haines, ext 2538				
CAPTION				
An Ordinance of the City of Plano, Texas, repealing Ordinance Nos. 2006-2-23, 2007-12-4 and 2008-9-32 codified as Article VI. Alarm Systems of Chapter 11, Licenses and Business Regulations, of the Code of Ordinances of the City of Plano and adopting a new Alarm Systems ordinance to comply with changes in state law and reflect current practices; and providing a severability clause, a repealer clause, a savings clause, a penalty clause, a publication clause and an effective date.				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input checked="" type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: 2015-16	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	1,932,928	0	1,932,928
Encumbered/Expended Amount	0	0	0	0
This Item	0	100,000	0	100,000
BALANCE	0	2,032,928	0	2,032,928
FUND(S): GENERAL				
<p>COMMENTS: Adopting the proposed new ordinance will add a \$200 fee for Police response to a false alarm from a non-permitted alarm system, as well as eliminating the fee charged when a deactivated permit is activated, producing an estimated \$100,000 in additional revenue per year.</p> <p>STRATEGIC PLAN GOAL: Changes in the alarm systems ordinance to comply with changes in state law relates to the City's Goal of a Financially Strong City with Service Excellence and a Safe Large City.</p>				
SUMMARY OF ITEM				
The revision of the current ordinance is necessary to comply with the new law and to reflect the City's current practices.				
List of Supporting Documents: Memo and Ordinance		Other Departments, Boards, Commissions or Agencies		

Date: February 3, 2016
To: LaShon Ross, Deputy City Manager
From: Gregory W. Rushin, Chief of Police 
Subject: Proposed Alarm Ordinance Changes

NEW LEGISLATION

On June 18, 2015, the 84th Texas Legislature passed House Bill 2162 modifying the laws affecting alarm systems. A copy of H.B. 2162, which was effective September 1, 2015, is attached. Highlights of the changes to H.B. 2162 that directly affect the current ordinance are as follows:

- Property owners or agents authorized to make property decisions can choose to exclude the municipality from receiving an alarm signal from an alarm system located on the owner's property without the permission or exception of the municipality. If the property owner excludes the municipality, the municipality would be:
 - Prohibited from imposing a fee to obtain a permit to use the alarm system
 - Allowed to impose a maximum fee of \$250 for each law enforcement response to an alarm system signal that was requested by an alarm systems monitor
 - Prohibited from imposing or collecting any other fine, fee, or penalty related to the alarm system
- Amended the definition of alarm system in the Local Government Code to reflect the definition in the Occupations Code
- A burglar alarm can only be considered a false alarm if it is called in by a monitoring company.

PROPOSED CHANGES

We propose the following changes:

1. Eliminate reinstatement penalties
2. Apply penalties for late false alarm payments after 30 days past due
3. Define an opt-out process for locations that choose to exclude the municipality from receiving an alarm signal from an alarm system.
4. Impose a \$200 penalty for a non-permitted false alarm
5. Modify various definitions
6. Charge fire alarms based on a twelve month rolling calendar instead of the life of the permit
7. Delete the stipulation of fire alarms not being charged in high-risk loss of life occupancies
8. Delete suspension and revocation of permits
9. Modify the appeal process
10. Remove decal requirement
11. Give a ten day grace period for expired permits
12. Revise Sec. 11-225 Persons relaying alarm notifications

1. Eliminate reinstatement penalties

The current ordinance enforces a \$35 de-active penalty when a permit holder fails to renew the permit within 30 days of the expiration date. The majority of our alarm customer complaints are about this penalty. Plano is the only city in the area that charges reinstatement penalties.

The penalty is intended to serve as a deterrent to letting a permit expire, but the proposed non-permitted penalty will replace that and only be charged if a false alarm occurs.

Expiring permits will receive a notice of the expiration 30 days prior to the expiration date. A 10 day grace period will be given after the permit has expired before designating the location as non-permitted.

2015 De-Active Penalties Collected: \$39,130

2016 Estimate of Possible Non-Permitted Penalties based on 2015 data: \$140,000

2. Apply penalties for late false alarm payments after 30 days past due

Currently, a past due penalty (10% of the false alarm charge) is applied once a false alarm invoice is 90 days overdue.

It is proposed to apply the 10% past due penalty when the invoice is 30 days overdue to encourage payment in a timely manner and to avoid permits accruing an unmanageable balance.

2015 Past Due Penalties Billed 90 Days Overdue: \$1,303.50

2016 Estimate of Past Due Penalties Billed at 30 Days Overdue based on 2015 data: \$8,050

3. Impose a \$200 penalty for a non-permitted response

In the past, officers writing citations was problematic because property owners were not there at the time of the false alarm. The new law allows agencies to apply a maximum \$250 penalty for each response to a non-permitted false alarm called in by a monitoring company.

The average cost of responding to a false alarm is \$200; therefore, as a solution to the problematic citation process, it is proposed to issue a \$200 penalty for each response to a non-permitted alarm location that is required by the ordinance to have a permit.

In regards to the actual process, non-permitted alarm users in violation of the ordinance will be issued a warning via mail by the Alarms Unit. The warning will inform the alarm user of permit requirements, consequences for continued violations, and false alarm prevention information. On the 2nd and subsequent occurrences, a \$200 penalty will be sent to the violator.

See #1 for information regarding potential non-permitted penalties collected.

4. Define an opt-out process

The new law allows alarm users to decline a police response for a burglar alarm. The law prohibits municipalities from charging a permit fee to those that elect this option, but it allows the municipality to have certain requirements that must be met before the alarm user can make this selection.

These changes to the law make it necessary for Plano to define an opt-out process for those that do not want a police response to a burglar alarm.

To establish the process of opting out, alarm systems have been broken down into two categories.

- Alarm System – When an alarm has the intent to summon an emergency service during an activation. Alarms audible on the exterior of the premise will be considered an attempt to summon an emergency service. This type of alarm is required to have a permit.
- Monitoring System – When a burglar alarm is *not* audible beyond the premise and it does *not* have the intent to summon an emergency service during an activation. This type of alarm does not require a permit, but requires an alarm user to notify their alarm monitoring company of their opt-out decision.

This proposed process will eliminate the need for the Alarm Unit to keep track of individuals' response preferences. In addition, the \$200 non-permitted response penalty will be applied uniformly with either system. Further details of the \$200 non-permitted penalty are noted above in #3.

5. Modify various definitions

Various definitions were modified, added, or deleted. All definitions that were changed are listed below, along with an explanation.

Alarm Administrator – Added for clarification. This term is more consistent with the alarm industry. This definition also absorbed the term director and appeal hearing official.

Alarm System – Modified to change out emergency assistance alarm with panic/distress alarm.

Alarm System User – Added for clarification of who is considered responsible for the alarm system.

Alarm Systems Company – Modified to reference Section 1702.105, Occupations Code. This will prevent further changes to the ordinance in the event the definition evolves again.

Appeal Hearing Official – Deleted this term to coincide with the actual appeal process. Alarm administrator is referenced in the proposed appeal process.

Burglar Alarm Notification – Modified for clarification and simplicity.

Director – Deleted this term. It was absorbed by the new term, alarm administrator.

Emergency Assistance Alarm – Replaced this term with Panic/Distress Alarm to coincide with Plano's terminology for the calltype.

False Burglar Alarm Notification – Modified to add, "or attempted unauthorized intrusion" for clarification.

Fire Chief – Added for clarification and to distinguish a difference between fire and police authority.

Local Alarm – Deleted term. This term is redundant of alarm system.

Monitoring System – Added term to distinguish the difference between an audible alarm that needs a permit versus an alarm that does not.

Panel Alarm – Deleted this term because it is no longer used in the ordinance.

Panic/Distress Alarm – Added to coincide with Plano's terminology regarding these types of calls for service. This definition also absorbed the term emergency assistance alarm.

Police Chief - Added for clarification and to distinguish a difference between fire and police authority.

Responsible Party - Added for clarification of who is considered responsible for the alarm system.

Robbery Alarm – Modified definition for clarification, simplicity, and to include, “attempted robbery”.

6. Change the false fire alarm penalty schedule

The current penalty schedule for a fire alarm is two free false fire alarms, then \$200 for each subsequent alarm for the life of the permit. Per the Fire Department's request, it is proposed to eliminate the 'life of the permit' and allow two free false fire alarms within a twelve month period, then \$200 for each subsequent alarm.

Unlike burglar alarms, false fire alarm penalties are not regulated by any law or code. This proposed change would allow Plano to be consistent with other municipalities.

7. Delete section related to high-risk loss of life buildings

Deletion of Sec. 11-227(a)(6) is requested by the Fire Department. This section refers to false fire alarms in high-risk loss of life occupancies such as hotels, hospitals, and theaters. This puts limitations on which situations a fire alarm can be considered false. This section specifically prohibits Plano from counting a fire alarm as false if it was caused by undetermined means or by a condition beyond the control of the building management.

8. Remove permit suspensions and revocations

It is proposed to remove 'suspension' and such terms from the ordinance as it will no longer be applicable if non-permitted response penalties are implemented.

Going forward with a \$200 non-permitted penalty for any non-permitted response will eliminate the necessity to suspend, revoke, or deny a permit.

9. Modify the appeal process

The appeal process is outlined in the current ordinance and is intended for alarm users to appeal suspensions or permit denials. If Plano no longer suspends permits, as detailed in #8, there is no longer a necessity for an appeal process for suspensions.

There *is* a need, however, to establish an appeal process for false alarms. It is proposed to insert a false alarm appeal process under Sec. 11-227 to provide clear expectations to alarm users.

Alarm users that desire to appeal a false alarm decision can submit their basis for the appeal along with any supporting documentation in writing. Appeals will be responded to within 5 business days. The appeal process for false alarms is meant to be a straightforward process to coincide with the Alarm Unit's actual process of handling false alarm appeals. The appeal process allows for an appeal to the Police Chief whose decision is final.

10. Remove decal requirement

Currently, each permit number receives a small 4.5" x 3" window decal with their permit number on it. The intent of the decal is to notify responding emergency personnel of the permit number; however, that information is now computerized and stored in a database, therefore, decals are no longer needed.

11. Give a ten day grace period for expired permits

The current process, as written in the current ordinance, is to mail a reminder 30 days prior to the expiration date, mail another reminder with a notice of de-activation on the expiration date, then a

final letter 30 days after the expiration date to confirm de-activation. The current wording gives an unintended extra 30 day grace period once the permit expiration date has arrived.

The intended process is to give notice of expiration and possible de-activation 30 days prior to the expiration date. If payment is not received by the expiration date, then the permit is de-activated. In the alarm industry, either a permit is valid or not. This 30 day gray area is not clear for alarm users and gives a false expectation of the permitting process.

In the proposed ordinance, the expiration timeline is made clear. To accommodate those customers that are accustomed to paying after the expiration date, we will allow a 10 day grace period for submitting renewal payments.

12. Revise Sec. 11-225 Persons relaying alarm notifications

A two call verification before dispatching is the only requirement a municipality can have for an alarm company related to burglar alarms. Alarm companies are regulated by the Texas Private Security Board, therefore municipalities cannot enforce regulations for alarm companies in their ordinance.

This section has also been revised in the proposed ordinance to guide alarm companies to follow National Fire Protection Association Codes and Standards for fire alarm signal verifications.

AN ACT

relating to municipal regulation of the use of alarm systems; authorizing a municipal fee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Subchapter F, Chapter 214, Local Government Code, is amended to read as follows:

SUBCHAPTER F. BURGLAR ALARM SYSTEMS IN CERTAIN MUNICIPALITIES WHOLLY LOCATED
IN CERTAIN COUNTIES

SECTION 2. Subchapter F, Chapter 214, Local Government Code, is amended by adding Section 214.1915 to read as follows:

Sec. 214.1915. APPLICABILITY. This subchapter applies only to a municipality with a population of less than 100,000 that is located wholly in a county with a population of less than 500,000.

SECTION 3. Chapter 214, Local Government Code, is amended by adding Subchapter F-1 to read as follows:

SUBCHAPTER F-1. BURGLAR ALARM SYSTEMS IN LARGE MUNICIPALITIES AND
MUNICIPALITIES WHOLLY OR PARTLY LOCATED IN LARGE COUNTIES

Sec. 214.201. DEFINITIONS. In this subchapter:

- (1) "Alarm system" and "permit" have the meanings assigned by Section 214.191.
- (2) "Alarm systems monitor" means a person who acts as an alarm systems company under Section 1702.105, Occupations Code.
- (3) "False alarm" means a notification of possible criminal activity reported to law enforcement:
 - (A) that is based solely on electronic information remotely received by an alarm systems monitor;
 - (B) that is uncorroborated by eyewitness, video, or photographic evidence that an emergency exists; and

(C) concerning which an agency of the municipality has verified that no emergency exists after an on-site inspection of the location from which the notification originated.

Sec. 214.2015. APPLICABILITY. This subchapter does not apply to a municipality to which Subchapter F applies.

Sec. 214.202. CATEGORIES OF ALARM SYSTEMS. The category of alarm system to be regulated is burglary.

Sec. 214.203. DURATION OF MUNICIPAL PERMIT. (a) If a municipality adopts an ordinance that requires a person to obtain a permit from the municipality before a person may use an alarm system in the municipality, the ordinance must provide that the permit is valid for at least one year.

(b) This requirement does not affect the authority of the municipality to:

(1) revoke, suspend, or otherwise affect the duration of a permit for disciplinary reasons at any time during the period for which the permit is issued; or

(2) make a permit valid for a period of less than one year if necessary to conform the permit to the termination schedule established by the municipality for permits.

Sec. 214.204. MUNICIPAL PERMIT FEE GENERALLY. (a) If a municipality adopts an ordinance that requires a person to pay an annual fee to obtain a permit from the municipality before the person may use an alarm system in the municipality, the fee shall be used for the general administration of this subchapter, including the provision of responses generally required to implement this subchapter other than specific responses to false alarms.

(b) A municipal permit fee imposed under this section for an alarm system may not exceed the rate of:

(1) \$50 a year for a residential location; and

(2) \$250 a year for other alarm system locations.

Sec. 214.205. NONRENEWAL OR REVOCATION OF PERMIT; TERMINATION OF MUNICIPAL RESPONSE; DISCRIMINATION PROHIBITED. (a) Except as provided by Subsection (d), a municipality may not terminate its law enforcement response to a residential permit holder because of excess false alarms if the false alarm fees are paid in full.

(b) In permitting free false alarm responses and in setting false alarm fees, a municipality must administer any ordinance on a fair and equitable basis as determined by the governing body.

(c) A municipality may not terminate an alarm permit for nonrenewal without providing at least 30 days' notice.

(d) A municipality may revoke or refuse to renew the permit of an alarm system that has had eight or more false alarms during the preceding 12-month period.

Sec. 214.2055. MULTIUNIT HOUSING FACILITIES. (a) A municipality may not refuse to issue an alarm system permit for a residential location solely because the residential location is an individual residential unit located in a multiunit housing facility.

(b) In issuing an alarm system permit for an alarm installed in an individual residential unit of a multiunit housing facility, the municipality shall issue the permit to the person occupying the individual residential unit.

(c) A municipality may impose a penalty under Section 214.207 for the signaling of a false alarm on the premises of a multiunit housing facility for a facility other than an individual residential unit only if the permit holder is notified of:

(1) the date of the signaling of the false alarm;

(2) the address of the multiunit housing facility where the signaling of the false alarm occurred; and

(3) the identification of the individual facility, if applicable, located on the multiunit housing facility premises where the signaling of the false alarm occurred.

Sec. 214.206. ON-SITE INSPECTION REQUIRED. A municipality may not consider a false alarm to have occurred unless a response is made by an agency of the municipality within a reasonable time and the agency determines from an inspection of the interior or exterior of the premises that the alarm report by an alarm systems monitor was false.

Sec. 214.207. PENALTIES FOR FALSE ALARMS. (a) A municipality may impose a penalty on a person who uses an alarm system in the municipality for the report of a false alarm by an alarm systems monitor if at least three other false alarms have occurred at that location during the preceding 12-month

period. The amount of the penalty for the report of a false alarm as described by Section 214.206 may not exceed:

(1) \$50, if the location has had more than three but fewer than six other false alarms in the preceding 12-month period;

(2) \$75, if the location has had more than five but fewer than eight other false alarms in the preceding 12-month period; or

(3) \$100, if the location has had eight or more other false alarms in the preceding 12-month period.

(b) A municipality may not impose a penalty authorized under Subsection (a) if reasonable visual proof of possible criminal activity recorded by an alarm systems monitor is provided to the municipality before the inspection of the premises by an agency of the municipality.

(c) A municipality that adopts an ordinance requiring a person to obtain a permit from the municipality before the person may use an alarm system in the municipality may impose a penalty, not to exceed \$250, for the report of a false alarm by an alarm systems monitor on a person who has not obtained a permit for the alarm system as required by the municipal ordinance.

(d) A municipality:

(1) may impose a penalty, not to exceed \$250, for the report of a false alarm on a person not licensed under Chapter 1702, Occupations Code, that to any extent is reported or facilitated by the unlicensed person; and

(2) may not impose a penalty for the report of a false alarm on a person licensed under Chapter 1702, Occupations Code.

(e) A municipality may not impose or collect any fine, fee, or penalty, other than collection fees, related to a false alarm or alarm system unless the fine, fee, or penalty is defined in the ordinance in accordance with this subchapter.

Sec. 214.208. PROCEDURES FOR REDUCING FALSE ALARMS. A municipality may require an alarm systems monitor to attempt to contact the occupant of the alarm system location twice before the municipality responds to the alarm signal.

Sec. 214.209. EXCEPTION OF MUNICIPALITY FROM ALARM SYSTEM RESPONSE. (a) The governing body of a municipality may not adopt an ordinance providing that law enforcement personnel of the municipality will not respond to any alarm signal indicated by an alarm system in the municipality unless, before adopting the ordinance, the governing body of the municipality:

(1) makes reasonable efforts to notify permit holders of its intention to adopt the ordinance;

and

(2) conducts a public hearing at which persons interested in the response of the municipality to alarm systems are given the opportunity to be heard.

(b) A municipality that adopts an ordinance under this section may not impose or collect any fine, fee, or penalty otherwise authorized by this subchapter.

(c) A municipality that adopts or proposes to adopt an ordinance under this section may notify permit holders that a permit holder may contract with a security services provider licensed by the Texas Private Security Board under Chapter 1702, Occupations Code, to respond to an alarm. The notice, if given, must include the board's telephone number and Internet website address.

Sec. 214.210. PRIORITY OR LEVEL OF RESPONSE NOT AFFECTED; LIABILITY OF MUNICIPALITY FOR NONRESPONSE. (a) Nothing in this subchapter:

(1) affects the priority or level of response provided by a municipality to a permitted location; or

(2) waives the governmental immunity provided by law for a municipality.

(b) A municipality that does not respond to an alarm system signal is not liable for damages that may occur relating to the cause of the alarm system signal.

Sec. 214.2105. EXCLUSION OF CERTAIN ALARM SYSTEMS BY OWNER. (a) A property owner or an agent of the property owner authorized to make decisions regarding the use of the property may elect to exclude the municipality from receiving an alarm signal by an alarm system located on the owner's property. A municipality may adopt an ordinance that specifies the requirements a property owner must satisfy for an election to be made under this section.

(b) If an election is made under Subsection (a), the municipality:

(1) may not impose a fee to obtain a permit to use the alarm system;

(2) may impose a fee on the property owner, not to exceed \$250, for each law enforcement response to a signal from the alarm system requested by an alarm systems monitor; and

(3) may not impose or collect any other fine, penalty, or fee, other than a collection fee, related to the alarm system.

SECTION 4. With respect to a municipality subject to Subchapter F-1, Chapter 214, Local Government Code, as added by this Act, that on the effective date of this Act is a party to a contract with a third party to provide alarm system services, the changes in law made by this Act apply beginning after the date the contract, including any renewals, is terminated or expires by the contract's own terms. During the period a contract described by this section is effective, the municipality described by this section is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 5. This Act takes effect September 1, 2015.

An Ordinance of the City of Plano, Texas, repealing Ordinance Nos. 2006-2-23, 2007-12-4 and 2008-9-32 codified as Article VI. Alarm Systems of Chapter 11, Licenses and Business Regulations, of the Code of Ordinances of the City of Plano and adopting a new Alarm Systems ordinance to comply with changes in state law and reflect current practices; and providing a severability clause, a repealer clause, a savings clause, a penalty clause, a publication clause and an effective date.

WHEREAS, the City Council of the City of Plano adopted Ordinance No. 2006-2-23 with two subsequent amendments in 2007 and 2008 to establish and adjust certain fees; and

WHEREAS, on June 18, 2015, the 84th Texas Legislature passed H.B. 2162 modifying the laws affecting alarm systems; and

WHEREAS, staff recommends adopting a new ordinance to be codified as Article VI. Alarm Systems of the City of Plano Code of Ordinances to comply with the new law and to reflect the City's current practices; and

WHEREAS, after consideration of the recommendation of staff and all matters attendant and related thereto, the City Council is of the opinion that it is in the best interest of the City and its citizens that the new ordinance be adopted and codified as Article VI. Alarm Systems of the City of Plano Code of Ordinances as set forth herein.

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

Section I. Ordinance Nos. 2006-2-23, 2007-12-4 and 2008-9-32 are hereby repealed in their entirety.

Section II. Article VI. Alarm Systems of Chapter 11 Licenses and Business Regulations, of the Code of Ordinances of the City of Plano, is hereby adopted to read as follows:

“ARTICLE VI. ALARM SYSTEMS

Sec. 11-221. 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 Administrator means a person or persons designated by the Police Chief to administer, review, and enforce alarm permitting and false alarm notifications, billing, and permit revocations.

Alarm site means a location or premises served by an alarm system.

Alarm system means a device or system which transmits a signal intended to summon police and/or fire services of the city. The categories of alarm systems are robbery, burglary, fire, medical, and panic/distress alarm. "Alarm system" does not mean an alarm installed on a vehicle, unless used for a habitation at a permanent site, or an alarm designed to alert only the inhabitants within premises, but includes an alarm that emits an audible signal on the exterior of a structure.

Alarm system user means the property owner, the owner's agent, other person, or business entity legally responsible for the operation of a validly permitted alarm system.

Alarm systems company means a person who acts as an alarm systems company under Section 1702.105, Occupations Code.

Burglar alarm notification means a notification of an unauthorized intrusion or attempted unauthorized intrusion.

Emergency medical assistance alarm notification means an alarm system which summons emergency medical assistance.

False burglar alarm notification means a burglar alarm notification to the police when the responding police officer reasonably finds there is no evidence of unauthorized intrusion or attempted unauthorized intrusion.

False emergency medical assistance alarm notification means an emergency medical assistance alarm notification to the fire department, when the responding fire department personnel reasonably find there is no evidence of need for emergency medical assistance.

False fire alarm notification means a fire alarm notification to the fire department, when the responding fire department personnel reasonably find there is no evidence of a fire having occurred.

False robbery alarm notification means a robbery alarm notification to the police, when the responding police officer reasonably finds there is no evidence of a robbery.

Fire alarm notification means a notification which is initiated or triggered by an alarm system designed to react to any of the visual or physical characteristics of fire.

Fire Chief means the City of Plano Fire Chief or designee.

Monitoring System means a device or system that transmits a burglar 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.

Permitted site means a location that has an active permit and for which the permit owner information on file is current.

Police Chief means the City of Plano Chief of Police or designee.

Responsible party means an alarm system user who is required to comply with the terms of this article.

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

Sec. 11-222. Permit.

- (a) *Required.* A person commits an offense if he operates, causes, or allows to be operated, an alarm system without a valid permit. A separate permit is required for each alarm system.
- (b) *Contents of application.* Each permit application must contain the name, address, and telephone number of the person who is responsible for the proper maintenance and operation of the alarm system and payment of fees or charges levied under this article. For an alarm permit for a commercial premise, the permit application shall contain the names and phone numbers (home and business) of two (2) people that when notified by the police or fire department(s) will come to the alarm site within thirty (30) minutes, if requested, to terminate the alarm signal and secure the property. Application for a permit under the provisions of this article constitutes a grant of approval to the city to deactivate an alarm system that sounds an alarm signal for longer than thirty (30) minutes after being notified.

- (c) *False statement.* Any false statement or misrepresentation of a material fact made by an applicant for the purpose of obtaining an alarm permit or renewal, or for the purpose of making a change thereto, shall be sufficient cause for refusal to grant a permit.
- (d) *Fee.*
 - (1) A nonrefundable fee of fifty dollars (\$50.00) is required annually for each residential alarm system.
 - (2) A nonrefundable fee of one hundred dollars (\$100.00) is required annually for each commercial permit.
 - (3) It is the responsibility of the alarm system user to pay the permit fee no later than the expiration date stated on the notification. If payment is not received prior to the expiration date, the permit will be deactivated after a ten (10) business day grace period.
- (e) *Issuance.* Upon receipt of the required fee and completed application form, the Alarm Administrator or designee shall issue a permit unless there is reasonable cause to believe the equipment responsible for initiating an alarm will not be maintained or operated in accordance with this article or the applicant will not comply with each provision of this article.
- (f) *Transferability; change of individual designated to respond.* An alarm permit cannot be transferred to another person. However, the individual designated to respond to an alarm or relay an alarm may be changed. A permit holder must inform the Alarm Administrator or designee of any change that alters information listed on the permit applications. No fee will be assessed for such changes.
- (g) *Penalty for operation without permit.* A two hundred dollar (\$200) penalty will be imposed for a person or business entity operating, causing, or allowing to be operated any alarm system as defined in this article without having a valid permit in accordance with the provisions of this article.
- (h) *Enforcement.* The Alarm Administrator or designee shall have the authority to enforce the provisions of this article.

Sec. 11-223. Inspection of alarm site and system.

Upon reasonable notification, the Police Chief or designee or Fire Chief or designee may inspect an alarm site and alarm system of a permit holder during regular business hours.

Sec. 11-224. Responsibilities of alarm system users.

- (a) *Generally.* An alarm system user:
 - (1) Is responsible for the adjustment or modification of the sensory mechanism for his alarm system to suppress false indications so that the alarm system will not be activated by impulses due to:
 - a. Transient pressure changes in water pipes;
 - b. Flashes of light;
 - c. Wind noise caused by the rattling or vibrating of doors or windows;
 - d. Vehicular noise adjacent to the installation; and
 - e. Other events unrelated to actual emergencies.
 - (2) Must maintain the premises containing an alarm system in a manner that ensures proper operation of the alarm system. It is the responsibility of the alarm permit holder to properly maintain the alarm system to prevent false activations. Should a permit holder have more than two (2) activations within thirty (30) calendar days, an inspection of the alarm system will be required by a licensed company. Notice must be made in writing to the Alarm Administrator or

designee from the licensed monitoring company of findings of the inspection within thirty (30) calendar days.

- (3) Must provide the City of Plano Police Department Alarm Unit written notification of the date the permit is to be cancelled.
- (b) *Reporting alarm signals through an alarm systems company.* An alarm system user shall not report any alarm signals through a relaying intermediary person that does not meet the requirements of Section 1702.105, Occupations Code.

Sec. 11-225. Duties of an alarm systems company.

- (a) A person or company who is engaged in the business of relaying alarm notifications to the city shall:
 - (1) Attempt to contact the responsible party of the alarm system twice before contacting the city to respond to the alarm signal; and
 - (2) Follow §26.2.3.1 of NFPA 72, National Fire Alarm and Signaling Code, 2013 edition, for alarm signal verification.

Sec. 11-226. Monitoring systems.

- (a) *Requirements.* 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 burglar alarms unless there is an indication of an emergency or criminal offense.
- (b) *No permit required.* The operation of a monitoring system does not require a permit from the city.
- (c) *Penalty if dispatched.* A two hundred dollar (\$200) penalty will be imposed against the responsible party when an alarm systems company reports to the City any burglary alarm that is intended only to notify the responsible party of the monitoring system.

Sec. 11-227. False alarms.

- (a) *Determination.*
 - (1) The Alarm Administrator or designee shall not consider the alarm notification to be false if:
 - a. the emergency responders respond within thirty (30) minutes and
 - b. after inspection of the interior or exterior of the premises, the alarm is determined to be caused by:
 1. A natural or man-made catastrophe;
 2. Severe weather that causes physical damage to the premises;
 3. A criminal offense;
 4. Telephone line outage; or
 5. Attempted entry of an intruder or attempted robbery.
- (b) *Fees.* An alarm system user shall pay any service fees as assessed under the provisions of this section within thirty (30) calendar days of receiving the City's determination notice of the false alarm or be assessed a ten percent (10%) late fee.

- (1) *Burglar alarms.* An alarm system user will be assessed a fee for the signaling of a false alarm in excess of three (3) false alarms in the preceding twelve (12) month period. Fees assessed will be:
 - a. Fifty dollars (\$50.00), if the location has had more than three (3) but fewer than six (6) other false alarms in the preceding twelve (12) month period.
 - b. Seventy-five dollars (\$75.00), if the location has had more than five (5) but fewer than eight (8) other false alarms in the preceding twelve (12) month period.
 - c. One hundred dollars (\$100.00), if the location has had eight (8) or more other false alarms in the preceding twelve (12) month period.
- (2) *Fire alarms.* An alarm system user will be assessed a fee for the signaling of a false alarm by a fire alarm system in excess of two (2) alarms in the preceding twelve (12) months. This fee will be two hundred dollars (\$200.00) for each such false alarm.
- (3) *Robbery alarms.* An alarm system user will be assessed a fee for signaling of a false alarm by a robbery alarm system in excess of two (2) false alarms in the preceding twelve (12) month period. This fee will be two hundred dollars (\$200.00) for each such false alarm.
- (4) *Emergency medical assistance alarms.* An alarm system user will be assessed a fee for the signaling of a false alarm by an emergency medical assistance alarm system in excess of two (2) false alarms in the preceding twelve (12) months. This fee will be seventy-five dollars (\$75.00) for each such false alarm.
- (5) *Panic/distress alarms.* An alarm system user will be assessed a fee for the signaling of a false alarm by an emergency assistance/personal distress alarm system in excess of two (2) false alarms in the preceding twelve (12) month period. This fee will be seventy-five dollars (\$75.00) for each such false alarm.

(c) *Response required:*

- (1) An alarm system user shall respond to the alarm site within thirty (30) minutes after receiving a request from a member of the police department or the fire department to grant access to the site and deactivate the alarm if necessary.
 - (2) Police and fire personnel may silence or disarm an alarm system by any means necessary if a key holder fails to respond within thirty (30) minutes.
- (d) *Appeals.* Upon notice of a false alarm and the assessed fee invoice, if applicable, a responsible party may appeal the city's decision to consider the alarm notification to be false pursuant to this article, by filing a written appeal to the Alarm Administrator within five (5) business days of receipt of the city's written notification. An appeal filed pursuant to this section must specifically state the basis of the responsible party's challenge to the city's determination of the false alarm as defined in this article. The Alarm Administrator will make a determination in writing within five (5) business days of receipt of the appeal. The determination of the Alarm Administrator may be appealed to the Police Chief if an appeal is made in writing to the Police Chief within five (5) business days of receipt of the Alarm Administrator's findings. The decision of the Police Chief is final.

Secs. 11-228—11-245. Reserved.”

Section III. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph or section of this Ordinance.

Section IV. All provisions of the Code of Ordinances of the City of Plano, codified or uncodified, in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Code of Ordinances of the City of Plano, codified or uncodified, not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section V. The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this ordinance.

Section VI. Any violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and shall be subject to a fine in accordance with Section 1-4(b) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Section VII. This Ordinance shall become effective immediately upon its passage and publication as provided by law.

DULY PASSED AND APPROVED this the 14th day of March, 2016.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY