

CITY OF FORT WORTH ALARM ORDINANCE

Chapter 12

EMERGENCY REPORTING EQUIPMENT AND PROCEDURES*

***Editor's note:** Ord. No. 15750, § 1, adopted Nov. 18, 2003, amended Ch. 12, in its entirety, to read as herein set out in §§ 12-1--12-17. Prior to inclusion of said ordinance, Ch. 12 pertained to similar subject matter. See also the Code Comparative Table.

Cross references: Ambulances/emergency medical services, Ch. 5; emergency management, Ch. 11.5; traffic accidents, § 22-136 et seq.

Sec. 12-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alarm company shall mean any person who sells, installs, services or monitors an alarm system.

Alarm notification shall mean a notification intended to summon the police, which is designed either to be initiated purposely by a person or by an alarm system that responds to a stimulus characteristic of unauthorized intrusion.

Alarm site shall mean a single premises or location (one (1) street address) to include suites, sections, or units served by an alarm system or systems that are under the control of one (1) owner.

Alarm system shall mean any mechanical or electrical device which is used to protect buildings, premises, or persons from criminal acts or unauthorized entries by warning persons of a crime or unauthorized entry through the emission of a sound or the transmission of a signal or message intended to summon police of a municipality in response to a burglary or robbery. The term includes an alarm that emits an audible signal on the exterior of a structure. The term does not include an alarm installed on a vehicle, unless the vehicle is used for a habitation at a permanent site, or an alarm designed to alert only the inhabitants within the premises, which does not have a local alarm.

Alarm unit shall mean city personnel assigned to the development department who issue permits, monitor false alarms, and manage permit revocations on behalf of the chief of police.

Automatic alarm notification shall mean an alarm notification sent over telephone lines, by direct connection or otherwise, a prerecorded voice message, synthesized voice message, or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect.

Central station shall mean an office to which remote and supervisory signaling devices are connected, where operators supervise the circuits, and/or where guards are maintained continuously to investigate signals.

Duress alarm shall mean the deliberate activation of a silent alarm by entering at a keypad a code that is different from the normal arm/disarm code or by a separate deliberate act at another device.

Chief shall mean the chief of police of the city or his authorized representative.

False alarm notification shall mean an alarm signal received by a law enforcement official and upon inspection of the premises,

the law enforcement official determines that there is no evidence of a criminal offense, attempted criminal offense, fire, or other emergency.

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

Panic alarm shall mean an audible alarm generated by the deliberate activation of a panic device.

Permit holder shall mean the person designated in the application who is responsible for responding to alarms and giving access the site and who is responsible for proper maintenance and operation of the alarm system and payment of fees.

Person shall mean an individual, corporation, partnership, association, organization or any legal entity.

Service fee shall mean the fee paid for each false alarm notification when a burglar alarm system has signaled at least three (3) other false alarms during the preceding twelve-month period. (Ord. No. 15750, § 1, 11-18-03; Ord. No. 16622, § 1, 9-27-05; Ord. No. 16809, § 1, 4-25-06)

Sec. 12-2. Alarm permit required; fee; application; transfer.

- (a) A valid alarm permit issued by the chief of police is required if a permit holder operates or causes to operate an alarm system and the permit holder desires to receive police response to an alarm site. A separate permit is required for each alarm site.
- (b) The chief shall refuse police response to any alarm notification from an alarm site that does not have a valid alarm permit unless the alarm notification is a duress alarm, a hold-up alarm, a panic alarm or a report to 911 emergency telephone or to the police department by a person other than an alarm company.
- (c) The fee for annual permit, an annual permit renewal or a permit reinstatement for all alarm permits is fifty dollars (\$50.00).
- (d) Each permit issued pursuant to this chapter shall be valid for a twelve-month period for the date of issuance as indicated on the permit. No refund of a permit, permit renewal, or permit reinstatement fee will be made.
- (e) A tenant of a multifamily dwelling, apartment building, or apartment complex desiring police response for an alarm notification is required obtain a valid alarm permit from the chief before operating or causing the operating of an alarms system in the tenant's residential unit.
- (f) The owner or property manager of an apartment complex desiring police response for an alarm notification is required to obtain separate valid alarm permits for any alarm system operated in a nonresidential area of the apartment building or apartment complex, including but not limited to common tenant areas, office, storage and equipment areas.
- (g) Within thirty (30) days of receipt of a completed application form and the required fee, the chief shall issue an alarm permit to an applicant unless the applicant has failed to pay a service fee or has had an alarm permit revoked, and the violation causing the revocation has not been corrected.
- (h) An alarm permit cannot be transferred to another person or to alarm system except by authorization of the chief.
- (i) A permit holder shall inform the chief of any change that alters any information listed on the permit application within two (2) business days. No fee will be assessed for such changes.
- (j) A permit holder shall cancel a permit for any alarm system

which is removed from an alarm site or which otherwise ceases to come under the permitting requirements of this chapter. Cancellation may be accomplished by returning the permit to the chief.

- (k) All fees owed by an applicant must be paid before a permit may be issued or renewed.
 - (l) No permit fee shall be required for a permit obtained for an alarm system at a one-family or two-family dwelling when the alarm site is determined by the chief to be occupied by a low-income family. In making such determination, the chief shall consult applicable U.S. Government guidelines for housing and other assistance, and may require the applicant to furnish appropriate documentation regarding household income.
 - (m) No permit shall be required of state and federal governmental entities.
- (Ord. No. 15750, § 1, 11-18-03; Ord. No. 16809, § 2, 4-25-06)

Sec. 12-3. Grounds for denial of a permit/revocation.

(a) *Grounds for denial of a permit.*

- (1) The chief shall issue a permit to the applicant unless one (1) or more of the following conditions are present:
 - a. The applicant fails to provide all of the information requested on the application or otherwise submits an incomplete application.
 - b. The applicant gives false, misleading or untrue information of material fact on the application.
 - c. The operation, as proposed by the applicant would not comply with all applicable laws, included but not limited to, this chapter or the city building, zoning or health codes;
 - d. The alarm system has generated eight (8) or more false alarms during the preceding twelve-month period; or
 - e. The applicant has failed to pay the applicable fee or any service fee assessed pursuant to this chapter that are due and owing; or
 - f. The application is for a location where a permit was revoked during the preceding twelve-month period.
- (2) Denial of an alarm permit shall be effected by written denial, setting forth the grounds for denial and mailed to the applicant by depositing the notice in the United States mail, addressed to the applicant with postage prepaid.

(b) *Revocation of a permit.*

- (1) The chief shall revoke an alarm permit if he determines that:
 - a. The permit holder or his /her designated agent has given false, misleading or untrue information of material fact in any record or report required by this chapter;
 - b. The permit holder fails to maintain the alarm system in accordance with this chapter;
 - c. The operation of the alarm system by the permit holder has generated eight (8) or more false alarms during the preceding twelve-month period and the permit holder has not complied with the requirements of section 12-5;
 - d. The permit holder has failed to make payment of an assessed service fee within thirty (30) days of receiving notice to do so.

- (2) A person commits an offense if he operates an alarm system during the period in which his alarm permit is revoked.

(Ord. No. 15750, § 1, 11-18-03; Ord. No. 16622, § 2, 9-27-05; Ord. No. 16809, § 3, 4-25-06)

Sec. 12-4. Duration; renewal; inspection.

- (a) A permit expires one (1) year from the date of issuance and must be renewed annually by submitting an updated application and a permit renewal fee in accordance with this chapter.
- (b) It is the responsibility of the permit holder to submit an application and the required permit fee prior to the permit expiration date. A permit shall not be renewed if the applicant has past due outstanding service fees at this alarm site or at another alarm site for which he is the permit holder, unless the service fees are under review in an appeal pursuant to this chapter.
- (c) Before terminating a permit the chief shall provide thirty (30) days prior written notice to the permit-holder of the need to renew the permit and file an updated permit application.
- (d) The permit holder for an alarm system shall keep such permit at the alarm site and shall produce such permit or evidence thereof for inspection upon request of any member of the police department.

(Ord. No. 15750, § 1, 11-18-03)

Sec. 12-5 Reinstatement of a permit; avoidance of permit revocation.

- (a) A person whose alarm permit has been revoked may have the permit reinstated if the person:
 - (1) Submits an updated application in accordance with this chapter; and
 - (2) Pays all outstanding service fees assessed under this chapter for which a bill has been issued and for which a payment plan has not been established and the permit holder has not been revoked for having generated eight (8) or more false alarms during the preceding twelve-month period.
- (b) A permit holder whose alarm permit is pending revocation for excessive false alarms may avoid permit revocation if within forty-five (45) days after receipt of notice from the alarm unit, provides the following information or the following circumstances are met:
 - (1) A statement on official letterhead from the alarm company and/or a work order listing the work performed and confirmation that the system has been repaired or replaced; and
 - (2) A written statement of proactive steps taken to resolve user-error issues that are not system related such as employee training. Final authority to accept or reject this statement rests with the chief of police; and
 - (3) Pays all outstanding service fees assessed under this chapter for which a bill has been issued and for which a payment plan has not been established; and
 - (4) A permit holder has not been previously served with a revocation notice for excessive false alarms and avoided revocation with documentation of corrective action.
- (c) A reinstated permit expires the same date on which the original permit would have expired had it not been revoked.
- (d) A permit revoked for excessive false alarms shall not be eligible for reinstatement for twelve (12) months from the

date of revocation.
(Ord. No. 15750, § 1, 11-18-03; Ord. No. 16809, § 4, 4-25-06)

Sec. 12-6. Appeal from permit denial or revocation.

- (a) If the chief refuses to issue or renew a permit, or revokes a permit, he shall send to the applicant or permit holder by certified mail, return receipt requested, written notice of his action and a statement of the right to an appeal. The applicant or permit holder may resolve the situation as outlined in section 12-5 if eligible or appeal the decision of the chief 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 chief. The filing of a request for an appeal hearing with the city manager stays the action of the chief in revoking 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 the ten-day period, the action of the chief is final.
- (b) The city manager shall set a time and place for the hearing, which shall be served upon the applicant or permit holder by certified mail, return receipt requested. The city manager or his representative shall serve as hearing officer at an appeal and consider evidence by any interested person. The formal rules of evidence do not apply at an appeal hearing. All parties to the hearing shall have the right to present evidence and shall have the right of cross-examination. The hearing officer shall make his decision on the basis of a preponderance of the evidence within fifteen (15) days after the request for an appeal hearing is filed. The time for hearing an appeal may be extended by agreement of the parties. The hearing officer shall affirm, reverse or modify the action of the chief. The decision of the hearing officer is final as to administrative remedies with the city.
(Ord. No. 15750, § 1, 11-18-03; Ord. No. 16809, § 5, 4-25-06)

Sec. 12-7. Alarm system operation and maintenance.

- (a) A permit holder shall:
- (1) Maintain the premises containing an alarm system in a manner that ensures proper operation of the alarm system;
 - (2) Maintain the alarm system in a manner that will minimize false alarm notifications;
 - (3) Respond or cause a representative to respond within one (1) hour after requested by the city to repair or inactivate a malfunctioning alarm system, to provide access to the premises or to provide security for the premises;
 - (4) Not manually activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report;
 - (5) Notify the police department prior to activation of an alarm for maintenance purposes; and
 - (6) A permit holder shall adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal will sound for no longer than thirty (30) minutes after being activated.
- (Ord. No. 15750, § 1, 11-18-03)

Sec. 12-8. Monitoring procedures.

Any alarm company engaged in the business of monitoring alarm systems in the city shall:

- (1) Report alarm signals only by using telephone numbers designated by the chief;

- (2) Before requesting police response to an alarm signal, attempt to verify every alarm signal, except a duress, hold up, or panic alarm activation, by placing two (2) telephone calls to the alarm site;
- (3) When reporting an alarm notification to the city, provide the alarm permit number and address of the alarm site from which the alarm notification originated; and
- (4) Communicate alarm notifications to the city in a manner and form determined by the chief.
(Ord. No. 15750, § 1, 11-18-03; Ord. No. 16809, § 6, 4-25-06)

Sec. 12-9. Duties of an alarm company.

- (a) An alarm company shall confirm that a valid alarm permit has been issued by the city for an alarm site before performing any system conversion at the site.
- (b) An alarm company that has a contract with a permit holder or person in control of an alarm system shall send a certification to the chief within thirty (30) days of performing or causing the performance of an alarm system installation or conversion. The information contained in the certification is confidential to the extent required by Section 1702.286 of the Texas Occupations Code and other law. The certification must state:
- (1) The date of installation or conversion of the alarm system, whichever is applicable;
 - (2) The name, address, telephone number, and current state license number of the alarm company providing the alarm system installation or conversion;
 - (3) The name, address, telephone number, and current license number of the alarm company providing monitoring for the alarm system, if different from the alarm company under contract to provide installation or conversion of the alarm system;
 - (4) The name of the occupant of the alarm system location and the address of the alarm system location;
 - (5) That the applicant has been given a complete set of written operating instructions for the alarm system, written information on the applicable law relating to false alarms, including the potential for penalties and revocation or suspension of a permit, and written guidelines on how to avoid false alarms; and
 - (6) That the alarm company has trained the applicant in the proper use of the alarm system, including instructions on how to avoid false alarms.

(Ord. No. 15750, § 1, 11-18-03; Ord. No. 16809, § 7, 4-25-06)

Sec. 12-10. Alarm reset.

A permit holder of an alarm system that utilizes a local alarm shall adjust the mechanism or cause the mechanism to be adjusted so that, upon activation, the local alarm will not transmit another alarm signal without first being reset.

(Ord. No. 15750, § 1, 11-18-03)

Sec. 12-11. Indirect alarm reporting.

A person who is engaged in the business of relaying alarm notifications to the city shall:

- (1) Communicate alarm notifications to the city in a manner and form determined by the chief;
- (2) Provide local or toll free call-back telephone numbers when requested by the police department;
- (3) Contact a representative of the alarm site when requested by

- the police department; and
- (4) Comply with all other requirements of this chapter and any rules and regulations promulgated by the chief.
- (Ord. No. 15750, § 1, 11-18-03)

Sec. 12-12. Direct automatic alarm notification.

An alarm system, other than an alarm system in a local, state, or federal governmental entity or in a financial institution, which transmits automatic alarm notifications directly to the communications center of the police department, shall be prohibited.

(Ord. No. 15750, § 1, 11-18-03)

Sec. 12-13. Alarm system operating instructions.

A permit holder shall maintain at each alarm site a complete set of written operating instructions for each alarm system. Special codes, combinations or passwords must not be included in these instructions.

(Ord. No. 15750, § 1, 11-18-03)

Sec. 12-14. Alarm dispatch records.

- (a) The police dispatcher receiving the alarm notification and/or the police officer responding to a dispatch resulting from a burglar, robbery, or personal hostage or robbery alarm notification shall cause to be recorded in the police information systems such information as necessary to permit the chief to maintain records, including but not limited to the following information:
- (1) Identification of the permit holder;
 - (2) Identification of the alarm site;
 - (3) Dispatcher received time, dispatch time and officer arrived at scene time;
 - (4) Date of occurrence;
 - (5) Name of permit holder's representative on premises, if any.
- (b) The responding police officer shall prepare and submit the appropriate reports in regard to any criminal offenses, attempts or other incidents which contributed to the alarm notification as determined by investigation.

(Ord. No. 15750, § 1, 11-18-03)

Sec. 12-15. Reserved.

Editor's note: Ord. No. 16809, § 8, adopted April 25, 2006, repealed § 12-15, which pertained to system performance reviews and appeals. See also the Code Comparative Table.

Sec. 12-16. Service fee.

- (a) The holder of an alarm permit or the person in control of an alarm system shall pay a service fee in the following dollar amounts for each false alarm notification when a burglar alarm system has signaled at least three (3) other false alarms during the preceding twelve-month period:

TABLE INSET:

# of False Alarms	Fee
0--3	No charge
4--5	\$50.00
6--7	\$75.00
8 or more	\$100.00

A service fee of sixty dollars (\$60.00) shall be charged for all users for each robbery or other manually activated alarm system that is in excess of two (2) alarms within any twelve-

month period.

- (b) An alarm notification will not be counted in determining when a service fee will be assessed or when revocation proceedings commence if the permittee can prove that the alarm notification was the result of severe weather condition, such as a tornado, hurricane or earthquake or other weather condition that causes physical damage to the alarm site, or the result of a malfunction in the operation of telephone lines for the transmission of alarm signals, proof of the latter being documented in the form of telephone company work orders or time stamped records from the alarm company showing the periods of interrupted service. If there is evidence that an alarm is the result of some other circumstance that is beyond the reasonable control of the permit holder, the alarm unit supervisor, at his or her discretion, will not count the alarm notification when determining service fees or alarm revocation. If a service fee is assessed or revocation proceedings commence as a result of the alarm notification determination, the applicant or permit holder may appeal the decision to the chief by filing a written request for a conference within ten (10) days of the decision by the alarm unit.
- (c) An alarm notification will not be counted when determining when a service fee will be assessed or when revocation proceedings commence if more than thirty (30) minutes elapse between the time the police department's communications division receives the notification and the time a responding officer arrives at the location of the alarm notification.

(Ord. No. 15750, § 1, 11-18-03; Ord. No. 16622, § 3, 9-27-05; Ord. No. 16809, § 9, 4-25-06)

Sec. 12-17. Violations; penalty.

- (a) An alarm company, an alarm permit holder or a person in control of an alarm system commits an offense if he violates by commission or omission any provision of this chapter that imposes upon him a duty or responsibility.
- (b) A person who violates a provision of this chapter 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 by a fine of not more than five hundred dollars (\$500.00) but not less than:
- (1) Two hundred dollars (\$200.00) upon first conviction; and
 - (2) Two hundred fifty dollars (\$250.00) for the second and each subsequent conviction.
- (c) In addition to prohibiting or requiring certain conduct of individuals, it is the intent of this chapter 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. A person or business utilizing an alarm system shall maintain at each alarm site a complete set of written operating instructions for each alarm system. Special codes, combinations or passwords must not be included in these instructions.

(Ord. No. 15750, § 1, 11-18-03)