

**TOWN OF ARGYLE, TEXAS  
ORDINANCE NO. 2011-\_\_**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF ARGYLE, TEXAS, AMENDING THE TOWN OF ARGYLE, TEXAS CODE OF ORDINANCES, CHAPTER 4, BUSINESS REGULATIONS, ARTICLE 4.09, ALARM SYSTEMS, BY DELETING CHAPTER 4, ARTICLE 4.09 IN ITS ENTIRETY AND ADDING A NEW ARTICLE 4.09, ALARM SYSTEMS; REPEALING CONFLICTING ORDINANCES; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH TIME A VIOLATION OCCURS OR CONTINUES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Argyle desires that Public Safety personnel effectively and efficiently respond to false alarms ensuring that Town residents are equally afforded a safe environment in which to reside; and

**WHEREAS**, the Texas Police Chiefs Association through an alarm committee has created a model alarm ordinance in conjunction with the alarm industry which has been modified to the Town of Argyle's standards; and

**WHEREAS**, the International Association of Chiefs of Police (IACP) has passed a resolution urging municipalities and counties to require the CP-01 Alarm Standard for all alarm control panels and calling for panel manufacturers to comply with the new standard in producing all new panels; and

**WHEREAS**, the CP-01 Alarm Standard addresses false alarms by addressing the fact that most false alarms caused by user error occurring during entry to, and exit from, the alarmed site; and

**WHEREAS**, the Town Staff, for the reasons stated in the CP-01 Alarm Standard, requiring the implementation of the CP-01 Standard by alarm dealers will benefit all parties involved – the alarm user, alarm industry and public safety agencies; and

**WHEREAS**, the Town of Argyle desires to encourage those who maintain premises with alarm systems to make a voluntary effort to reduce or eliminate false alarms within the Town, thereby instituting a schedule of fines for excessive false alarms; and

**WHEREAS**, the Town Council of the Town of Argyle deems the passage of this ordinance as necessary to protect the public, health, safety, and welfare of its citizens.

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ARGYLE, TEXAS:**

**Section 1.** That, all matters stated hereinabove are found to be true and correct and are incorporated herein by reference as if copied in their entirety.

**Section 2.** That, Chapter 4, Business Regulations, Article 4.09, Alarm Systems, of the Code of Ordinances of the Town of Argyle, Texas, be hereby deleted in its entirety and a new Chapter 4, Article 4.09 Alarm Systems, be added as follows:

# “ARTICLE 4.09 Alarm Systems

## Division 1. Generally

### Sec. 4.09.01 Purpose

The purpose of this Ordinance is to encourage alarm users and alarm companies to properly use and maintain the operational effectiveness of alarm systems in order to improve the reliability of alarm systems and reduce or eliminate false alarms.

This Ordinance governs alarm systems intended to summon law enforcement response, and requires registration, establishes fees, provides for penalties for violations, establishes a system of administration, and sets conditions for suspension of law enforcement response or revocation of registration.

### Sec. 4.09.02 Definitions

For the purpose of this article, the following terms have the definitions herein described:

Act of nature. An extraordinary interruption by natural causes (such as a flood, earthquake, or severe weather) of the usual course of events that experience, foresight, or care cannot reasonably be foreseen or prevented.

Alarm administrator. The Chief of Police, or his/her designee, having authority to administer, control and review false alarm reduction efforts and the provisions of this Ordinance.

Alarm installation company. A person in the business of selling, providing, maintaining, servicing, repairing, altering, replacing, moving or installing an alarm system at an alarm site. This definition shall also include individuals or firms that install and service the alarm systems that will be used in their private or proprietary facilities. This does not include persons doing installation or repair work where such work is performed without compensation of any kind (i.e., “do-it-yourselfers”).

Alarm dispatch request. A notification to a law enforcement agency that an alarm, either manual or automatic, has been activated at a particular alarm site.

Alarm permit or registration. Authorization granted by the alarm administrator to an alarm user to operate an alarm System.

Alarm site. A single fixed premises or location served by an alarm system or systems that are under the control of one owner or tenant. Each unit, if served by a separate alarm system in a multi-unit building or complex, shall be considered a separate alarm site and is further defined by the following categories:

1. Residential site means a single-family residence and each residential unit of a multi-family building or complex which is served by an alarm system.
2. Commercial site means every premises or location where any business activity is regularly conducted and which is served by an alarm system. Each unit or tenant of a business premises or business location, if served by a separate alarm system in a multi-unit or building tenant or complex, shall be considered a separate commercial alarm system site.
3. Educational site means every premises or location of a public or private school or school administrative office.
4. Government site means every premises or location of any federal, state, county or municipal government office.

Alarm system. A control panel, arming station(s), and a device, or series of devices, including, but not limited

to, hardwired systems and systems interconnected with a radio frequency method such as cellular or private radio signals, which emit or transmit a remote or local audible, visual or electronic signal indicating an alarm condition and is intended to summon law enforcement response, including local alarm systems. Alarm system does not include an alarm installed in a vehicle or on someone's person unless the vehicle or the personal alarm is permanently located at a site.

Alarm user. Any Person, who (which) has contracted for monitoring, repair, installation or maintenance service from an alarm installation company or monitoring company for an alarm system, or who (which) owns or operates an alarm system which is not monitored, maintained or repaired under contract.

Alarm user awareness class. A class conducted for the purpose of educating alarm users about the responsible use, operation, and maintenance of alarm systems and the problems created by false alarms.

Arming station. A device that allows control of an alarm system.

Automatic voice dialer. Any electrical, electronic, mechanical, or other device capable of being programmed to send a prerecorded voice message, when activated, over a telephone line, radio or other communication system, to a law enforcement, public safety or emergency services agency requesting dispatch.

Cancellation. The process where response is terminated when a monitoring company (designated by the alarm user) for the alarm site notifies the responding law enforcement agency that there is not an existing situation at the alarm site requiring law enforcement agency response after an alarm dispatch request.

Conversion. The transaction or process by which one alarm installation company or monitoring company begins the servicing and/or monitoring of a previously unmonitored alarm system or an alarm system previously serviced and/or monitored by another alarm company.

Duress alarm. A silent alarm system signal generated by the entry of a designated code into an arming station in order to signal that the alarm user is being forced to turn off the system and requires law enforcement response.

False alarm. An alarm dispatch request to a law enforcement agency, when a response is made by the law enforcement agency within thirty (30) minutes of the Alarm Dispatch Request and the responding law enforcement officer finds from an inspection of the interior and/or exterior of the alarm site no evidence of a criminal offense or attempted criminal offense.

Holdup alarm. A silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress or immediately after it has occurred.

Law enforcement authority. The Chief of Police or his/her designee.

License. A license issued by the Texas Department of Public Safety Private Security Bureau to an alarm installation company and/or monitoring company to sell, install, monitor, repair, or replace alarm systems.

Local alarm system. Any alarm system, which is not monitored, that annunciates an alarm only at the alarm site.

Monitoring. The process by which a monitoring company receives signals from an alarm system and relays an alarm dispatch request to the municipality for the purpose of summoning law enforcement to the alarm site.

Monitoring company. A person that is in the business of providing monitoring services.

One plus duress alarm. The manual activation of a silent alarm signal by entering at an arming station a code that adds one to the last digit of the normal arm/disarm code (e.g., normal code = 1234, One Plus Duress Code = 1235).

Panic alarm. An audible alarm system signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring law enforcement response.

Person. An individual, corporation, partnership, association, organization or similar entity.

Responder. An individual capable of reaching the alarm site within 30 minutes and having access to the alarm site, the code to the alarm system and the authority to approve repairs to the alarm system.

SIA Control Panel Standard CP-01. The ANSI – American National Standard Institute approved Security Industry Association – SIA CP-01 Control Panel Standard, as may be updated from time to time, that details recommended design features for security system control panels and their associated arming and disarming devices to reduce the incidence of false alarms. Control panels built and tested to this standard by Underwriters Laboratory (UL), or other nationally recognized testing organizations, will be marked to state: “Design evaluated in accordance with SIA CP-01 Control Panel Standard Features for False alarm Reduction.”

Takeover. The transaction or process by which an alarm user takes over control of an existing alarm system, which was previously controlled by another alarm user.

Verify. An attempt by the monitoring company, or its representative, to contact the alarm site and/or alarm user by telephone whether or not actual contact with a person is made, to determine whether an alarm signal is valid before requesting law enforcement dispatch.

Zones. Division of devices into which an alarm system is divided to indicate the general location from which an alarm system signal is transmitted.

#### **Sec. 4.09.03 Registration required; application; fee; transferability; false statements**

(a) No alarm user shall operate, or cause to be operated, an alarm system, which is intended to summons police response at its alarm site without a valid alarm permit. A separate alarm permit is required for each alarm site. ***An alarm permit is not valid if it has been denied or revoked, has not been renewed, or has expired.***

(b) ***The alarm Site must have a valid alarm permit for the police department to respond to the location unless the alarm dispatch request is for a duress alarm, holdup alarm or a panic alarm.***

(c) No alarm user shall allow a monitoring company to make an alarm dispatch request to an alarm site that does not have a valid alarm permit.

(d) The fee for an alarm permit or an alarm permit renewal shall be determined from time to time in the fee schedule by resolution of the Town Council, but shall not to exceed \$50.00 per false alarm for residential permits and \$100.00 per false alarm for commercial permits. No refund of a registration or registration renewal fee will be made. Government sites and public educational sites are exempt from the payment of any fees. The initial alarm permit fee must be submitted to the alarm administrator within five (5) days after the alarm system installation or alarm system takeover and shall be paid by the alarm user.

(e) Upon receipt of a completed alarm permit application form and the alarm permit fee, the alarm administrator shall register the applicant unless the applicant has:

(1) Failed to pay a fine assessed under Section 4.09.09; or

(2) Had an alarm permit for the alarm site suspended or revoked, and the violation causing the suspension or revocation has not been corrected.

(f) Each alarm permit application must include the following information:

- (1) The name, complete address (including apartment/suite number), and telephone numbers of the person who will be the registration holder and be responsible for the proper maintenance and operation of the alarm system and payment of fees assessed under this article;
- (2) The classification of the alarm site as either residential (includes apartment, condominium, mobile home, etc.) or commercial;
- (3) For each alarm system located at the alarm site, the classification of the alarm System (i.e. burglary, holdup, duress, panic alarms or other) and whether said alarm(s) is audible or silent;
- (4) Mailing address, if different from the address of the alarm site;
- (5) Any dangerous or special conditions present at the alarm site;
- (6) Names and telephone numbers of at least two individuals who are able and have agreed to, (a) receive notification of an alarm system activation at any time, (b) respond to the alarm site within 30 minutes at any time, and (c) upon request, can grant access to the alarm site and deactivate the alarm system if necessary;
- (7) Type of business conducted, if at a commercial alarm site;
- (8) Signed certification from the alarm user stating the following:
  - i. The date of installation, conversion or takeover of the alarm system, whichever is applicable;
  - ii. The name, address, and telephone number of the alarm installation company or companies performing the alarm system installation, conversion or takeover of the alarm installation, and company responsible for providing repair service to the alarm system;
  - iii. The name, address, and telephone number of the monitoring company, if different from the alarm installation company;
  - iv. A set of written operating instructions for the alarm system, including written guidelines on how to avoid false alarms, have been left with the applicant by the alarm installation company; and
  - v. Acknowledgement that the alarm installation company has trained the applicant in proper use of the alarm system, including instructions on how to avoid false alarms;
- (9) Acknowledgement that law enforcement response may be influenced or prevented by factors including, but not limited to, the availability of law enforcement agency units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels, etc.;
- (10) Acknowledgement that any false statement of a material fact made by an applicant for the purpose of obtaining an alarm permit shall be sufficient cause for refusal to issue a registration;
- (11) Acknowledgement that an alarm registration cannot be transferred to another person or alarm site, and that an alarm user shall inform the alarm administrator of any change that alters any of the information listed on the alarm permit application within five (5) business days of such change; and
- (12) Acknowledgment that all fines and fees owed by an applicant must be paid before an alarm permit may be issued or renewed.

#### **Sec. 4.09.04 Alarm registration duration and renewal**

An alarm permit shall expire twelve (12) months from the date of issuance, and must be renewed annually by

submitting an updated application and a registration renewal fee to the alarm administrator. The alarm administrator shall notify each alarm user of the need to renew thirty (30) days prior to the expiration of the registration. It is the responsibility of the alarm user to submit an application prior to the registration expiration date. Failure to renew will be classified as use of a non-registered alarm system and may result in:

- (1) Non-response to alarm dispatch requests;
- (2) The assessment of citations and penalties and
- (3) A \$50.00 late fee assessed if the renewal is more than thirty (30) days after the expiration date.

#### **Sec. 4.09.05 Duties of the alarm user**

- (a) An alarm user shall maintain the alarm site and the alarm system in a manner that will minimize or eliminate false alarms by;
  - (i) Making every reasonable effort to have a responder to the alarm system located within thirty (30) minutes of the alarm site when requested by the law enforcement agency in order to:
    - (A) Deactivate an alarm System;
    - (B) Provide access to the alarm Site; and/or
    - (C) Provide alternative security for the alarm Site.
  - (ii) Not activating an alarm system for any reason other than an occurrence of an event that the alarm system was designed to report.
- (b) An alarm user shall adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal audible on the exterior of an alarm site will sound for no longer than ten (10) minutes after being activated.
- (c) An alarm user shall not use automatic voice dialers.
- (d) An alarm user shall maintain at each alarm site, a set of written operating instructions for each alarm system.
- (e) All alarm users shall agree with their alarm installation company and/or monitoring company to go through an "acclimation period" for the first seven (7) days after installation of an alarm system during which time the alarm installation company and/or monitoring company will have no obligation to, and will not, respond to any alarm signal from the alarm site, excluding panic, duress, or holdup signals and will not make an alarm dispatch request to law enforcement, even if the alarm signal is the result of an actual alarm event.
- (f) Individuals that have installed their own system as well as firms with proprietary systems shall comply with all of the requirements in this Section for alarm users.

#### **Sec. 4.09.06 Duties of alarm installation companies and monitoring companies** (Ref. Texas Occupations Code Section 1702.286)

- (a) Upon installation or activation of an alarm system, the alarm installation company shall provide the alarm user with the following information:
  - (1) The applicable law relating to false alarms, including the potential for penalties and revocation or suspension of an alarm permit;

- (2) How to prevent false alarms;
  - (3) How to operate the alarm system; and
  - (4) Ensure that all alarm users of alarm systems equipped with a duress, holdup or panic alarms are given adequate training as to the proper use of the duress, holdup or panic alarms.
- (b) The alarm installation company shall notify the municipality in which the alarm system is located of an installation or activation of an alarm system not later than the 30th day after the date of the installation or activation. The alarm installation company shall provide to the municipality with:
- (1) The name of the alarm installation company;
  - (2) The license number of the alarm installation company;
  - (3) The name of the alarm user at the alarm site;
  - (4) The address of the alarm site; and
  - (5) The date of installation or activation.
- (c) An alarm installation company commits a Class C misdemeanor offense if the company violates (a) or (b) of this section.
- (d) The duties imposed by this section on an alarm installation company do not apply to the installation or activation of a personal emergency response system, as defined under Texas Occupations Code, Section 1702.331.
- (e) Upon the effective date of this Ordinance, alarm installation companies shall not program alarm systems so they are capable of sending One Plus duress alarms. Monitoring companies may continue to report One Plus duress alarms received from alarm systems programmed with One Plus duress alarms prior to enactment of this Ordinance. However, upon the effective date of this Ordinance, when a takeover or conversion occurs, an alarm installation company must remove the One Plus duress alarm capability from such alarm systems.
- (f) Upon the effective date of this Ordinance, alarm installation companies shall not install a device to activate a holdup alarm, which is a single action, non-recessed button.
- (g) An alarm installation company may not install any alarm system on or after January 1, 2011, that includes a detection device control panel unless the control panel is listed to meet at a minimum the ANSI/SIA CP-01- Control Panel Standard - Features for False Alarm Reduction. (Ref. Occupations Code 1702.287)
- (h) An alarm installation or monitoring company shall not use automatic voice dialers.
- (i) A monitoring company shall not make an alarm dispatch request of a law enforcement agency in response to a burglar alarm signal, excluding panic, duress or holdup signals, during the first seven (7) days following an alarm system installation. The alarm administrator may grant an alarm user's request for an exemption from this waiting period based upon a determination that special circumstances substantiate the need for the exemption.
- (j) A Monitoring company shall:
- (1) Verify every alarm signal, except duress or holdup alarm activation, before requesting a law enforcement response to an alarm system signal. A minimum of 2 calls being made to the premise or to an alternate phone number are required before an alarm dispatch request should be made;

- (2) Report alarm signals and dispatch request by using telephone numbers designated by the alarm administrator;
- (3) Communicate alarm dispatch requests to the municipality in a manner and form determined by the alarm administrator;
- (4) Communicate Cancellations to the municipality in a manner and form determined by the alarm administrator;
- (5) Communicate any available information (permit number, building face entries, floor elevation, etc.) about the location on all alarm signals related to the alarm dispatch request;
- (6) Communicate type of alarm activation (silent or audible, interior or perimeter);
- (7) After an alarm dispatch request, promptly advise the law enforcement agency if the monitoring company knows that the alarm user or the responder is on the way to the alarm Site;
- (8) Attempt to contact the alarm user or responder within 24 hours via mail, fax, telephone or other electronic means when an alarm dispatch request is made;
- (9) Upon the effective date of this Ordinance, monitoring companies must maintain for a period of at least one (1) year from the date of the alarm dispatch request, records relating to alarm dispatch requests. Records must include the name, address and telephone number of the alarm user, the alarm system zone(s) activated, the time of alarm dispatch request and evidence of an attempt to verify. The alarm administrator may make a written request for copies of such records for individually named alarm users. If the request is made within sixty (60) days of an alarm dispatch request, the monitoring company shall furnish requested records within three (3) business days of receiving the request. If the records are requested between sixty (60) days to one (1) year after an alarm dispatch request, the monitoring company shall furnish the requested records within thirty (30) days of receiving the request; and
- (10) Upon the effective date of this Ordinance, monitoring companies must immediately provide the law enforcement authority with the names and phone numbers of the alarm user's emergency contacts, at the time of the alarm dispatch request or within a reasonable amount of time after the alarm dispatch request if the law enforcement authority calls back to request the information.

(k) An alarm installation company and/or monitoring company shall provide the alarm administrator with a complete list of active customers, annually, to assist the alarm administrator with creating and maintaining the law enforcement's tracking data. The customer information will be provided in a format the alarm company is capable of producing and will include the following:

- (1) Permit number (where applicable);
- (2) Customer name;
- (3) Alarm site address;
- (4) Installation or activation date; and
- (5) Alarm company license number.

(l) An alarm installation company and/or monitoring company that purchases alarm system accounts from another entity shall notify the alarm administrator of such purchase and provide a complete list of the acquired customers, in a format the alarm company is capable of producing, that includes the following:

- (1) Permit number (where applicable);
- (2) Customer name;
- (3) Alarm site address;
- (4) Acquisition date; and
- (5) Alarm company license number.

(m) Information provided to a governmental body under this section is confidential and may not be disclosed to the public except as required by law. (Ref. Texas Occupation s Code Section 1702.284)

#### **Sec. 4.09.07 License or licensing**

All alarm Installation Companies and Monitoring Companies shall maintain a License through the Texas Department of Public Safety Private Security Bureau. (Ref. Texas Occupation Code Section 1702.102)

#### **Sec. 4.09.08 Duties and authority of the alarm administrator**

(a) The alarm administrator shall:

- (1) Designate a procedure, form and telephone numbers for the communication of alarm dispatch requests and
- (2) Establish a procedure to accept cancellation of alarm dispatch requests.

(b) The alarm administrator shall establish a procedure to record such information on alarm dispatch requests necessary to permit the alarm administrator to maintain records, including, but not limited to, the following information:

- (1) Identification of the alarm permit number for the alarm site;
- (2) Identification of the alarm site;
- (3) Date and time alarm dispatch request was received, including the name of the monitoring company and the monitoring company operator's name or telephone number;
- (4) Date and time of law enforcement officer arrival at the alarm site;
- (5) Zone and zone description, if available;
- (6) Weather conditions, if available;
- (7) Name of alarm user's representative at alarm site, if any;
- (8) Identification of the responsible alarm installation company or monitoring company;
- (9) Whether or not law enforcement officer was unable to locate the address of the alarm site; and
- (10) Cause of alarm signal, if known.

(c) The alarm administrator shall establish a procedure for the notification to the alarm user of a false alarm.

The notice shall include the following information:

- (1) The date and time of law enforcement response to the false alarm;
  - (2) The identification number of the responding law enforcement officer and
  - (3) A statement notifying the alarm user to ensure that the alarm system is properly operating, inspected, and serviced in order to avoid false alarms and potential fines.
- (d) The alarm administrator may create and implement an Alarm User Awareness Class. The class shall inform alarm users of the problems created by false alarms and teach alarm users how to avoid generating false alarms.
- (e) The alarm administrator may require an alarm user to remove a holdup alarm that is a single action, non-recessed button, if a false holdup alarm has occurred.
- (f) The alarm administrator will make a copy of this Ordinance and/or an Ordinance summary sheet available to the alarm user.

**Sec. 4.09.09 Fines**

(a) An alarm user shall be subject to fines, depending on the number of false alarms within the previous 12-month period based upon the following schedule: (Ref. Texas Local Government Code Section 214.197)

<u># Of False alarms</u>	<u>Fine</u>
1 – 3 false alarms	\$0
4 – 5 false alarms	\$ 50.00 each
6 – 7 false alarms	\$ 75.00 each
8 false alarms and above	\$100.00 each

- (b) An alarm user may be fined fifty (\$50.00) dollars for failure to provide a responder when requested by the law enforcement authority.
- (c) An alarm user may have the option of completing an Alarm User Awareness Class in lieu of paying the first monetary fine or the fourth (4<sup>th</sup>) false alarm violation.
- (d) If an alarm cancellation occurs prior to law enforcement arriving at the scene, the alarm is not considered a false alarm for the purpose of this section, and no fines will be assessed.
- (e) If law enforcement takes longer than thirty (30) minutes to respond to an alarm dispatch request, the alarm is not a considered a false alarm for the purpose of this section, and no fines will be assessed.
- (f) Notice of the right of appeal under this Ordinance will be included with any notification of a fine.

**Sec. 4.09.10 Notification**

(a) The alarm administrator shall notify the alarm user in writing after each false alarm. The notification shall include: the amount of the fine for the false alarm; notice that the alarm user can attend Alarm User Awareness Class to waive a fine; the fact that response will be suspended after the eighth (8<sup>th</sup>) false alarm, excluding duress, holdup and panic alarms; and a description of the appeals procedure available to the alarm user.

(b) The alarm administrator will notify the alarm user and the alarm installation company or monitoring company in writing thirty (30) days before alarm response is to be suspended. Suspension of alarm response does not apply to duress, holdup and panic alarms. This notice of suspension will also include the amount of the fine for each false alarm and a description of the appeals procedure available to the alarm user and the alarm installation company or monitoring company.

#### **Sec. 4.09.11 Suspension of response**

(a) The alarm administrator may suspend law enforcement response to an alarm site by revoking the alarm permit if it is determined that:

- (1) The alarm user has had at a minimum, eight (8) or more false alarms in the previous twelve (12) month period; (Ref. Texas Local Government Code Section 214.195)
- (2) There is a statement of a material fact known to be false in the application for a registration;
- (3) The alarm user has failed to make timely payment of a fine assessed under Section 4.09.09 or fee assessed under Section 4.09.03; or
- (4) The alarm user has failed to submit a written certification from an alarm installation company that complies with the requirements of this article, stating that the alarm system has been inspected and repaired (if necessary) and/or the alarm installation company has conducted additional training.

(b) A Person commits an offense if he/she operates an alarm system during the period in which the alarm permit is revoked and is subject to enforcement and penalties set in Section 4.09.11 and Section 4.09.14.

(c) Unless there is separate indication that there is a crime in progress, the law enforcement authority will refuse law enforcement response to an alarm dispatch request at an alarm site for which the alarm permit has been revoked.

#### **Sec 4.09.12 Appeals**

(a) If the alarm administrator assesses a fine or denies the issuance, renewal or reinstatement of an alarm permit, the alarm administrator shall send written notice of the action and a statement of the right to appeal to the affected applicant or alarm user and the alarm installation company and/or monitoring company.

(b) The alarm user, alarm installation company and/or monitoring company may appeal, in writing, an assessment of a fine or the revocation of an alarm permit to the alarm administrator by setting forth written the reasons for the appeal within twenty (20) business days after receipt of the fine or notice of revocation from the alarm administrator.

(c) The alarm user or the alarm installation company and/or monitoring company may appeal the decision of the alarm administrator to the law enforcement authority as follows:

- (1) The applicant, alarm user, alarm installation company and/or the monitoring company may file a written request for a review by paying an appeal fee of twenty-five (\$25) dollars setting forth the reasons for the appeal within twenty (20) business days after the date of notification of the decision from the alarm administrator. Appeal fees will be returned to the appealing alarm user, alarm installation company and/or monitoring company if the appeal is upheld.
- (2) The law enforcement authority shall conduct a formal hearing within thirty (30) days of the receipt of the request and consider the evidence by any interested person(s). This decision will be based on the preponderance of evidence presented at the hearing.

(d) Filing of a request for appeal shall stay the action by the alarm administrator revoking an alarm permit

or requiring payment of a fine, until the law enforcement authority has completed its review. If a request for appeal is not made within the twenty (20) business day period, the action of the alarm Administrator is final.

- (e) alarm administrator or law enforcement authority may adjust the number of false alarms based on:
  - (1) Evidence that a false alarm was caused by an act of nature;
  - (2) Evidence that a false alarm was caused by action of the telephone company;
  - (3) Evidence that a false alarm was caused by a power outage lasting longer than four (4) hours;
  - (4) Evidence that the alarm dispatch request was not a false alarm;
  - (5) Evidence that the law enforcement officer response was not completed in thirty (30) minutes or less; or
  - (6) In determining the number of false alarms, multiple false alarms occurring in any twenty-four (24) hour period shall be counted as one false alarm to allow the alarm user time to take corrective action unless the false alarms are directly caused by the alarm user.

#### **Sec 4.09.13 Reinstatement**

A person whose alarm permit has been revoked may, at the discretion of the alarm administrator or the law enforcement authority, have the alarm permit reinstated by the alarm administrator or the law enforcement authority if the person:

- (a) Submits a new application and pays a fifty (\$50.00) dollar for a residential alarm and one hundred (\$100.00) dollar for a commercial alarm reinstatement fee;
- (b) Pays, or otherwise resolves, all outstanding alarm citations and/or fines;
- (c) Submits a certification from an alarm installation company, stating that the alarm system has been repaired or adjusted in an attempt to eliminate false alarms, and that the alarm permit holder has been made aware of functional issues that may cause false alarms. This should include but is not limited to the effects of pets, home decorations, changes in the environment on security devices; as well as the need to train anyone that has access to the premises in the proper operation of the alarm system; and to provide them with a code to arm/disarm the alarm system and a password to identify themselves to the monitoring company in an alarm situation;
- (d) Submits a certification from an alarm installation company per the requirements of Texas Occupations Code, Section 1702.286, pertaining to the alarm company providing the alarm user information on:
  - (1) The laws and regulations relating to false alarms, including potential penalties and the revocation or suspension of an alarm permit;
  - (2) How to prevent false alarms; and
  - (3) How to properly operate the alarm system; and
- (e) Attends an Alarm User Awareness Class developed by the alarm administrator.

#### **Sec 4.09.14 Enforcement and penalties**

Any person violating any of the provisions of this Chapter shall be deemed guilty of a misdemeanor

and upon conviction thereof shall be fined in a sum not to exceed Two Hundred Dollars (\$200.00) and a separate offense shall be deemed committed each time a violation occurs.

#### **Sec 4.09.15 Confidentiality**

In the interest of public safety, all information contained in and gathered through the alarm permit applications, records relating to alarm dispatch requests and applications for appeals shall be held in confidence by all employees or representatives of the municipality and by any third-party administrator or employees of a third-party administrator with access to such information. The provisions of Texas Occupations Code, Section 1702.284, shall apply to all records obtained or archived by this ordinance. This information shall not be subject to public inspection. Public interest is served by not disclosing said information to the public and clearly outweighs the public interest served by disclosing said information.

#### **Sec 4.09.16 Government immunity**

An alarm permit is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By applying for an alarm permit, the alarm user acknowledges that law enforcement response may be influenced or prevented by factors such as: the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels, and prior response history.”

#### **Section 3. Severability.**

That, all ordinances or any parts thereof in conflict with the terms of this ordinance shall be and hereby are deemed repealed and of no force or effect; provided, however, that the ordinance or ordinances under which the cases currently filed and pending in the Municipal Court of the Town of Argyle, Texas, shall be deemed repealed only when all such cases filed and pending under such ordinance or ordinances have been disposed of by a final conviction or a finding not guilty or nolo contendere, or dismissal. The provisions of this Ordinance are severable. If any section, article, paragraph, sentence, clause, phrase or word in this ordinance, or application thereto any person or circumstances is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the Town Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

**PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF ARGYLE, TEXAS on this the 11th day of January, 2011.**

**TOWN OF ARGYLE, TEXAS**

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By: Greg Landrum  
Mayor

**ATTEST:**

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Codi Delcambre, Town Secretary

**APPROVED AS TO FORM AND LEGALITY:**

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Matthew C.G. Boyle, Town Attorney