

ARTICLE II. EMERGENCY ALARM SYSTEMS

Sec. 18-21. Definitions.

The following definitions shall apply to this article:

For the purposes of this article, an alarm system shall not include:

- (1) An alarm system installed upon premises occupied by the United States Government, the State of Texas, the City of Marble Falls, or any county government or school districts situated within the city;
- (2) An alarm system installed on a motor vehicle; or
- (3) An alarm system which provides notice of activation only to persons on the premises served by the alarm system.

Alarm protective service: Any service involving the installation, servicing, repair, maintenance, sale, replacement, or response to an alarm system. For the purposes of this article, alarm protective service shall not include any persons engaged solely in the sale of alarm systems designed to cause an audible and/or visual signal to be emitted only in the premises in which the system is installed.

Alarm site: A single premises or location (one street address) served by an alarm system or systems that are under the control of one owner.

Alarm system: A device or system that transmits or relays a signal intended to summon emergency services of the city in response to an emergency. The categories of alarm systems are robbery, burglary, fire emergency, medical assistance, and emergency assistance. 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 a premise, but does include an alarm that emits an audible signal on the exterior of a structure.

Alarm system user: The owner, agent or person in control of the property on which an alarm system is maintained within the city.

Burglar alarm notification: Notification intended to summon the police, which is initiated or triggered by an alarm system designed to respond to a stimulus characteristic of unauthorized intrusion.

Director: The chief of police or his authorized representative.

Emergency assistance alarm: Any automatic notification other than those previously defined which summons emergency assistance from the City of Marble Falls.

Emergency medical assistance alarm notification: An alarm system intended to summon emergency medical assistance.

False burglar alarm notification: 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: An emergency medical assistance alarm notification to the police department, when the responding Emergency Medical Service personnel reasonably find there is no evidence of need for emergency medical assistance.

False fire alarm notification: A fire alarm notification to the police department when the responding Fire Rescue Department personnel reasonably find there is no evidence of a fire having occurred.

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

Financial institution: An institution required to have an alarm system by the provisions of the Bank Protection act of 1968 (12 USC section 1882, as amended).

Fire alarm notification: A notification to the police department intended to summon fire-fighting forces, which is initiated or triggered by an alarm system designed to react to any of the visual or physical characteristics of fire.

Local alarm: An alarm system that emits a signal at an alarm site that is audible from the exterior of a structure.

Person: An individual, corporation, partnership, association, organization, or two (2) or more persons having a joint or common economic interest.

Robbery alarm notification: A notification intended to summon the police when a robbery occurs by means of an alarm system designed to be purposely activated by an individual.

(Ord. No. 95-O-8A, § 19-2, 8-8-95; Ord. No. 2008-O-07B, 7-14-2008)

Sec. 18-22. License required.

- (a) A person commits an offense if he installs, operates or causes to be operated an alarm system without first obtaining a license from the director. A separate license is required for each alarm site and each type of alarm system as hereinabove defined at each site.
- (b) Any person operating or causing to be operated an alarm system on the effective date of this article must apply for a license within thirty (30) days after said effective date.
- (c) Upon receipt of the required fee and completed application form, the director shall issue a license 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 application will not comply with each provision of this article.
- (d) Each license 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. Each license application must also contain the name, address, and telephone number of at least two (2) persons who are able to have agreed to receive notification from a member of the Marble Falls Police Department or Marble Falls Fire Rescue Department at any time and to come to the alarm site within forty (40) minutes after

receiving such notification.

- (e) An alarm license cannot be transferred to another person. However, the individual designed to respond to an alarm or relay an alarm may be changed. A license holder must inform the director of any change that alters information listed on the license application. No fee will be assessed for such changes.
- (f) Any false statement or misrepresentation of a material fact made by an applicant for the purpose of obtaining an alarm license or renewal, or the purpose of making a change thereto, shall be sufficient cause for refusal to grant, or suspension of, a license.
- (g) If a person applies for a license before a new alarm system is put in operation, no service fee will be assessed during the first thirty (30) days after issuance of a license and any activation of alarm system which causes a response by the police or Fire Rescue Departments during that period will not be counted in assessing a service fee.
- (h) A license holder may present evidence to the police or fire chief that the activation of an alarm system was not a false alarm. If the police or fire chief determines that the activation was not a false alarm, any response by the police or Fire Rescue Department to such activation will not be included in determining the service fee set out below. The burden shall be on the license holder to prove that the activation of the alarm system was not a false alarm.
- (i) The license required by this section shall not obviate the requirement to obtain all applicable permits from the City of Marble Falls, including, but not limited to, building and electrical permits.

(Ord. No. 95-O-8A, § 19-3, 8-8-95; Ord. No. 2008-O-07B, 7-14-2008)

Sec. 18-23. License fee.

A nonrefundable fee of ten dollars (\$10.00) for a residential site and twenty dollars (\$20.00) for a commercial or industrial site per year is required for each license. A license is issued for one (1) year and must be renewed each year thereafter by payment of an annual renewal fee of ten dollars (\$10.00) for a residential site and twenty dollars (\$20.00) for a commercial site or industrial site. It is the responsibility of the license holder to pay the renewal fee prior to the expiration date of the license.

(Ord. No. 95-O-8A, § 19-4, 8-8-95; Ord. No. 2001-O-4B, § II, 4-10-2001)

Sec. 18-24. Service fee for false alarms.

- (a) If the license holder has had six (6) false burglar alarms in the twelve-month period immediately preceding any false alarm, he shall be assessed a service fee of fifty dollars (\$50.00) for such false alarm.
- (b) If the license holder has had two (2) false fire alarms in the twelve-month period immediately preceding any false alarm, he shall be assessed a service fee of one hundred dollars (\$100.00) for such false alarm.

- (c) If the license holder has had two (2) false robbery alarms in the twelve-month period immediately preceding any false alarm, he shall be assessed a service fee of one hundred dollars (\$100.00) for such false alarm.
- (d) If the license holder has had two (2) false medical assistance alarms in the twelve-month period immediately preceding any false alarm, he shall be assessed a service fee of fifty dollars (\$50.00) for such false alarm.
- (e) If the license holder has had two (2) false emergency assistance alarms in the twelve-month period immediately preceding any false alarm, he shall be assessed a service fee of fifty dollars (\$50.00) for such false alarm.
- (f) A license holder must pay any service fee assessed under the provisions of this section within thirty (30) days after receipt of notice that it has been assessed by the director.
- (g) The city shall maintain a written record of all alarm notifications, including, but not limited to, the following:
 - (1) Name of license holder;
 - (2) Location of alarm site;
 - (3) Date and time of alarm notification;
 - (4) Name and badge number of the responding police officer, fire fighter, or emergency medical service personnel;
 - (5) Weather conditions; and
 - (6) Whether the notification was a false alarm notification.

(Ord. No. 95-O-8A, § 19-5, 8-8-95)

Sec. 18-25. Exceptions.

- (a) The director shall not consider an alarm notification to be false if he determines that the alarm was caused by:
 - (1) A natural or man-made catastrophe;
 - (2) Severe weather;
 - (3) Vandalism;
 - (4) Telephone line outage; or
 - (5) Attempted entry or attempted robbery.
 - (6) In high-risk loss of life occupancies such as hotels, motels, hospitals, nursing homes, residential care facilities, educational uses, including day care centers and theaters where a fire alarm was:
 - a. Caused by undetermined means; or
 - b. Caused by conditions not under control of the building management such as manual false alarms, or smoking.
- (b) The determination of the director in classifying an alarm notification as false or actual is final.

(Ord. No. 95-O-8A, § 19-6, 8-8-95)

Sec. 18-26. Relaying intermediary.

A license holder shall not report his alarm signals through a relaying intermediary person that does not meet the requirements of this article.

(Ord. No. 95-O-8A, § 19-7, 8-8-95)

Sec. 18-27. Proper alarm system operation and maintenance.

(a) A license holder must:

- (1) Adjust or modify the sensory mechanism of this alarm system to suppress false indications of force 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 of vibrating of doors or windows;
 - d. Vehicular noise adjacent to the installation; and
 - e. Other forces unrelated to actual emergencies; and
- (2) Maintain premises containing an alarm system in a manner that ensures proper operation of the alarm system.

(b) A person in control of a local alarm must:

- (1) Adjust the mechanism so that an alarm signal will sound for no longer than thirty (30) minutes after activated;
- (2) Display in a prominent exterior location an identification notice provided by the director; and
- (3) Come to the alarm site within forty (40) minutes after receiving a request from a member of the Marble Falls Police Department or the Marble Falls Fire Rescue Department to do so and grant access to the site and deactivate the alarm if necessary.
- (4) In the event that a mechanism sounds an alarm system signal for longer than thirty (30) minutes after being activated, the chief of the Marble Falls Police Department, the chief of the Marble Falls Fire Rescue Department or their designated representative are authorized to disable the alarm. All costs of the city in disabling such an alarm shall be assessed to the operator of the alarm system and shall be paid to the city within thirty (30) days after the operator has received notice that the costs have been assessed. City shall not be liable for any damage incurred to the property or alarm system in disabling the alarm system. Application for a permit under the provisions of this article constitutes a grant of approval by the operator of the alarm system for the city to deactivate the local alarm system under the provisions of this subsection.

(Ord. No. 95-O-8A, § 19-8, 8-8-95; Ord. No. 2008-O-07B, 7-14-2008)

Sec. 18-28. Manual reset required.

A person in control of a local alarm or alarm system that causes an alarm notification to be sent directly to the city shall adjust or modify the mechanism so that upon activation the system will transmit only one (1) alarm signal and will not transmit another alarm signal without first being manually reset at the alarm site.

(Ord. No. 95-O-8A, § 19-9, 8-8-95)

Sec. 18-29. Inspection.

Upon reasonable notification, the police chief or fire chief or their designee may inspect an alarm site and alarm system of a license holder during regular business hours.

(Ord. No. 95-O-8A, § 19-10, 8-8-95)

Sec. 18-30. Revocation of permit or failure to pay assessment fee.

- (a) The chief of police may revoke an alarm system license if he determines that:
- (1) There is a false statement of a material matter on the application for a license;
 - (2) The license holder has violated any provision of this article;
 - (3) The license holder causes or permits any intentional activation of an alarm system for the purpose of testing the response by the police or Fire Rescue Department.
- (b) If the chief of police refuses to issue or revokes a license, he shall send to the applicant or license holder by certified mail, return receipt requested, written notice of his action and a statement of the right to an appeal.
- (c) It shall be unlawful for any person to operate an alarm system during the period in which the license for the system is revoked.

(Ord. No. 95-O-8A, § 19-11, 8-8-95)

Sec. 18-31. Appeal.

- (a) A license holder aggrieved by the decision to assess a service fee may appeal the decision 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 the assessment of the service fee. The filing of a request for an appeal hearing with the city manager stays the assessment of the service fee 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 assessment is final.
- (b) A license holder make appeal the decision of the chief of police to revoke a license 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 notice from the chief of police. The filing of a request for an appeal hearing with the city manager stays the revocation 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 of police is final.
- (c) The city manager or his representative shall serve as hearing officer at an appeal hearing. The formal rules of evidence do not apply at an appeal hearing; the hearing officer shall make a decision on the basis of a preponderance of the evidence presented at the hearing. The hearing officer shall affirm, reverse, or modify the action forming the basis for the appeal. The decision of the hearing officer is final as to administrative remedies with the city.

(Ord. No. 95-O-8A, § 19-12, 8-8-95)

Sec. 18-32. Standards for alarm protective services and alarm system operation.

The police and fire chiefs may set reasonable standards and procedures to be followed by any alarm protective service when giving notice to the police or Fire Rescue Departments or activation of an alarm system. Such standards and procedures shall be set out in writing and made available to any alarm protective service requesting them.

(Ord. No. 95-O-8A, § 19-13, 8-8-95; Ord. No. 2008-O-07B, 7-14-2008)

Sec. 18-33. Indirect alarm reporting.

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

- (1) Send notification of an alarm to the city by an individual;
- (2) Keep his business premises locked and secured at all times;
- (3) Allow an inspection of his business premises by authorized agents of police chief or fire chief or fire chief at any time;
- (4) Report alarms only to a telephone number or numbers designated by the city;
- (5) Send alarm notifications to the city in a manner and form determined by the city; and
- (6) Maintain sufficient staff to ensure that valid alarms are relayed immediately to the city.

(Ord. No. 95-O-8A, § 19-14, 8-8-95)

Sec. 18-34. Direct alarm reporting.

A license holder whose alarm system transmits automatic alarm notifications, other than alarm notifications from financial institutions, directly to the city over the normal telephone system shall:

- (1) Transmit the alarm in the form and content specified by the city;
- (2) Transmit over telephone lines designated for such use;
- (3) Design his system so that it will notify the license holder, or his designated agent identified on the license application, when an alarm is transmitted to the city;
- (4) Furnish the city upon request or director with copies of the alarm operation procedures and senior locations; and
- (5) Furnish the name, address, and telephone number of a licensed alarm company responsible for correcting any malfunction that any occur.

(Ord. No. 95-O-8A, § 19-15, 8-8-95)

Sec. 18-35. Protection of financial institutions.

- (a) Financial institution may install, with the permission of the chief of police, a signal line directly to the police department for the purpose of reporting burglaries and robberies. If such installation is made, all other requirements of this article must be met. The financial institution shall execute a letter of agreement with the city permitting the installation of all necessary equipment on an indicator panel located in the communications division of the police department. The installation must be accomplished at the institution's expense.
- (b) The letter of agreement shall contain provisions granting a right of inspection to the chief of police, requiring payment of an annual, nonrefundable fee of one hundred dollars (\$100.00) for each indicator installed. The rights of a financial institution under such letter of agreement with the city are not transferable. In addition to the matters set forth herein above, the letter of agreement shall include, but not be limited to, the following:
 - (1) The police chief annually may inspect the alarm system at the alarm site and shall require necessary repairs or improvements. If the police chief finds that the signaling device fails to comply with the requirements of this article, he may terminate the letter of agreement and require the removal of equipment and indicators from the communications center of the police department. Such removal shall be at the expense of the financial institution.
 - (2) The financial institution shall, at its expense, provide service for the alarm system at the request of the financial institution or the chief of police. In no event shall the city become liable for service charges for repairs and maintenance of any such alarm

system.

- (3) The financial institution may cancel its letter or agreement with the city at any time by giving written notice thereto the chief of police. Upon giving such notice, the institution shall promptly remove its equipment and indicators from the monitor panel in the communications center. Such removal shall be at the expense of the financial institution.

(Ord. No. 95-O-8A, § 19-16, 8-8-95)

Sec. 18-36. Service fee.

- (a) If a license holder (or its agent or representative) fails to comply with section 18-27(b)(3), then a service fee of fifty dollars (\$50.00) for each half hour or portion thereof that the license holder fails to appear shall be charged to that license holder.
- (b) All service fees charged by this section shall be paid within ten (10) days of the date notice is given to the license holder by city. If such service fees are not paid within such time, the license granted hereunder shall be revoked at the option of the city. Under no circumstances shall a license be renewed if a license holder owes service fees pursuant to this section.

(Ord. No. 95-O-8A, § 19-17, 8-8-95)

Sec. 18-37. Repealing clause.

All ordinances, or parts of ordinances, inconsistent or in conflict with the provisions of this article are hereby repealed.

(Ord. No. 95-O-8A, § 19-18, 8-8-95)

Sec. 18-38. Severability clause.

If any article, paragraph or subdivision, clause or provision of this article shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this article as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

(Ord. No. 95-O-8A, § 19-19, 8-8-95)

Sec. 18-39. Penalty clause.

Any person, firm or corporation violating any of the provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine not to exceed the sum of five hundred dollars (\$500.00) for each offense, and each and every day such offense is continued shall constitute a new and separate offense.

(Ord. No. 95-O-8A, § 19-20, 8-8-95)

Sec. 18-40. Effective date.

This article shall take effect immediately from and after the publication of its caption, as the law in such cases provides.

(Ord. No. 95-O-8A, § 19-21, 8-8-95)