

ARTICLE II. ALARM SYSTEMS*

*State law references: Burglar alarm systems, V.T.C.A., Local Government Code § 218.001; fire alarms, V.A.T.S. Insurance Code, art. 5.43-2.

DIVISION 1. GENERALLY

Sec. 26-31. Definitions.

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

Alarm site means the specific property or area of the premises upon or within which an alarm system is or is to be installed.

Alarm system means a fire alarm protective service or any electrical, mechanical, or electronic device or assembly of equipment that emits, transmits, or relays a signal intended to summon, or that would reasonably be expected to summon, by direct or indirect means, the aid of the police department of the city. For purposes of this article, the following types of alarm systems are exempted:

(1) An alarm system installed on a motor vehicle not used for a habitation at a permanent site.

(2) An alarm system designed so that no notification is given to the police until after the occupants, or an agent of the owner or lessee, have inspected the alarm site and determined that there is physical evidence at the site showing that the alarm was the result of criminal activity or the kind for which the alarm system was designed to give notice and does so notify the police, if a person who is able to grant access to the alarm site remains at such site until police arrive whenever the police are notified after an alarm has been activated, and such person renders access and such other assistance as he is able to give and that is needed by the police to properly investigate the situation.

(3) Any alarm device designed solely to detect or give notice to the occupant of a building of smoke or fire.

(4) An alarm system operated, owned or maintained by the United States government, the state, the city or any county government situated within the corporate limits of the city.

Alarm system company means any person or entity who sells, installs, services, monitors or responds to alarm systems as a livelihood.

Applicant means the person who seeks to be the permit holder.

Automatic dialing device means any device connected to an alarm system which automatically sends a prerecorded message or coded signal indicating the activation of the alarm system to a predetermined location.

Burglar alarm system means any alarm system intended to prevent or detect an unauthorized entry or attempt thereof into the alarm site.

Central station means that part of an alarm system company which intercepts signals indicating the activation of an alarm device and which relays this information by live voice to the city police department or fire department.

Chief of police means the chief of the city police department and any employees of the city police department assigned by the police chief to perform the duties prescribed by this article.

City means the City of Missouri City, Texas, including its various departments and divisions, such as the police department and the fire department.

City official means any employee or agent of the city who implements all or a portion of this article.

Disconnect means to render an alarm system disabled so as to prevent any direct or indirect notification to the police department by a silent or local alarm.

False alarm means any alarm which was not the result of an emergency or threat of emergency or threat of emergency of the kind for which the alarm system was designed to give notice and as may be further defined by V.T.C.A., Local Government Code ch. 218, including a response to a burglar alarm system only if the city responded to the alarm notification within 30 minutes which the city then determines from an inspection of the premises was false.

Fire alarm protective service means any service whereby any person provides and employs electronic or mechanical means to detect the presence of fire on any premises in the city, the report of which is then transmitted to or through the communication system of the fire department or which system is in any manner connected with the fire alarm communication system of the fire department. The term also means the activity of maintaining, servicing, repairing, altering, replacing, moving or installing in or on any building, place or premises any device designed or used for detection of fire.

Fire chief means the chief of the city fire department and any employees of the city fire department assigned by the fire chief to perform the duties prescribed by this article.

Holdup alarm system means any alarm system designed to be activated to give notification of a robbery, attempted robbery, or summons police aid for any other perceived life-threatening reasons.

Local alarm system means any alarm system emitting audible and/or visual signals in, at, or on the alarm site when activated and which causes notification to be made directly or indirectly to the city police department or city fire department.

Permit means a certificate of authorization issued by the city to the applicant authorizing the operation of the alarm systems for which the permit is issued.

Permit holder means the person to whom a city alarm system permit is issued.

Telephone answering service means any business, other than an alarm system company, which intercepts signals indicating the activation of an alarm system and which relays this information by live voice to the city police department or city fire department.

Thirty-minute shutoff means an automatic device associated with a local alarm system which automatically causes the alarm to shut off and discontinue the emission of an audible signal after a period of time not to exceed 30 minutes of continuous operation.

(Ord. No. O-98-34, § 1(2.5-1), 9-8-1998; Ord. No. O-05-52, § 1, 11-7-2005)

Cross references: Definitions generally, § 1-2.

Sec. 26-32. Penalty.

Any person who causes, allows or permits another to violate any provision of this article shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished as provided in section 1-13. Each day such violation shall be permitted to exist shall constitute a separate offense. The owner, occupant or resident of the premises or part thereof where anything in violation of this article shall be placed or shall exist, or any lessee, tenant, employee, agent or corporation employed in connection therewith who may have assisted in the commission of such violation shall be guilty of a separate offense and, upon conviction, shall be subject to the penalties provided in section 1-13.

(Ord. No. O-98-34, § 2, 9-8-1998)

Sec. 26-33. Fees for permit and for city response to an alarm.

(a) The city may charge fees for its permits and responses to false alarms in accordance with this article. Fees for issuance of permits, false alarms, and any other charges and penalties arising pursuant to this article shall be in such amounts as may be established in this article and as may, from time to time, be amended by resolution or ordinance of the city council.

(b) The annual permit fee shall be \$50.00 for both commercial and residential locations. A reinstated permit, as provided for elsewhere in this article, shall retain its original issuance date for the purposes of the commencement of the 12-month period when assessing permit fees under this article.

(c) With respect to burglar alarms systems, no penalty or fee for signaling of a false alarm by a burglar alarm system shall be made unless at least three other false alarms have occurred during the preceding 12 months. The fee may be assessed against the owners, occupants or person in control of the premises where the alarm system is located. The amount assessed for a false alarm of a burglar alarm system shall be as set forth in a schedule of fees adopted by resolution or ordinance of the city council.

(d) For purposes of calculating the fees set out in this article, an alarm system shall mean and include all alarm systems operated under one permit.

(Ord. No. O-98-34, § 1(2.5-14), 9-8-1998; Ord. No. O-05-52, § 2, 11-7-2005)

State law references: Limitation on penalty for false alarms, V.T.C.A., Local Government Code § 218.007; false alarms, V.T.C.A., Penal Code § 42.06.

Sec. 26-34. Compliance with state statute.

All persons subject to the provision of the Private Investigators and Private Security Agencies Act of the State of Texas, Vernon's Ann. Civ. St. art. 4413(29bb), are required to comply with all provisions of that act, as presently enacted and may be subsequently amended.

(Ord. No. O-98-34, § 1(2.5-19), 9-8-1998)

Secs. 26-35--26-50. Reserved.

DIVISION 2. PERMIT

Sec. 26-51. Required; number.

(a) No person shall operate, cause to be operated, or allow the operation of an alarm system unless a valid permit has been issued for that system or as otherwise allowed by law. However, this section shall not be applicable to an alarm system company which monitors, services or monitors and services an alarm system installed and designed to protect property under the control of a person other than the alarm system company. The person in control of the property which the alarm system is designed to protect shall be subject to prosecution if he permits the operation of such system without a valid permit. Any person who operates, causes to be operated, or allows the operation of an alarm system without a valid permit shall be subject to misdemeanor prosecution and response fees.

(b) A response, if any, made by the police or fire department upon proper notification by an alarm system company shall be subject to the policies and procedure of the police and/or fire department governing, but not limited to, the priorities for police or fire responses.

(c) An applicant may apply for a separate permit for each alarm system, or may obtain a single permit for all alarm systems, on so much of one premises to which the person to whom a permit is to be issued has legal rights of ownership or possession; except that separate permits must be obtained to authorize the operation of both burglar and holdup alarm systems on any one premises.

(d) The issuance of a permit authorizing the use of an alarm system is not intended to nor shall it create a contract, either express or implied, creating a duty or guarantee of response. Any and all liability and consequential damages resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained.

(e) The city may refuse to issue a certificate of occupancy/change of occupancy if the premises to which such certificate relates has an alarm system that is not permitted pursuant to this article.

(Ord. No. O-98-34, § 1(2.5-2), 9-8-1998; Ord. No. O-05-52, § 3, 11-7-2005)

Sec. 26-52. Application.

(a) Application for a permit authorizing the operation of an alarm system shall be made by a person who has control over the property, such as a person who owns, leases, uses, resides at, or manages the property upon which the alarm system is installed. Such application shall be made in writing to the city on a form designated by the city for that purpose. On such application shall be set forth:

- (1) The name, address, telephone numbers, and state driver's license of the permit holder.
- (2) Copies of the assumed name registration, if any, and the names and addresses of all general partners if the permit holder is to be a partnership; or the corporate charter with the names and addresses of officers and registered agents or the certificate of authorization to do business from the secretary of state if the permit holder is to be a corporation.
- (3) The street address of the property on which the alarm system is to be installed and operated, including the particular suite or apartment numbers, if applicable.
- (4) Any business name used for the premises on which the alarm system is to be installed and operated.
- (5) Whether the alarm system is a local alarm and whether it is designed to give notice of a burglary, robbery or any other life-threatening emergency.
- (6) The name, address and telephone number of the alarm system company that has installed or will install the alarm system.
- (7) The names and local telephone numbers of two persons, or the name and local telephone number of an alarm system company which are able to and have agreed to:
 - a. Receive notification at any time;
 - b. Come to the alarm site within one hour after receiving a request from a city official to do so; and
 - c. Grant access to the alarm site and to deactivate the alarm system if such becomes necessary; or
 - d. The name and local telephone number of an alarm system company which is able and has agreed to receive calls at any time and to give the city the names of persons listed with that company as set out in the following if:
 1. The permit holder has given the alarm system company the names and local telephone numbers of two persons who are able and have agreed to receive notification at any time; to come to the alarm site within one hour after receiving a request from a city official to do so; and to grant access to the alarm site and to deactivate the alarm system if necessary; and
 2. The permit holder has authorized the alarm system company to provide the names listed with that business pursuant to this section to a city official whenever such official has requested that information in order to obtain assistance after an alarm has been activated.
- (8) Any application for a permit shall demonstrate compliance with all provisions of this Code and that all charges owed to the city have been paid.
- (9) If an individual residence or apartment, the names of the other residents over the age of 18.
 - (b) Such application shall be signed by the applicant acknowledging he has read the application, affirming the correctness and accuracy of the information given on the application and authorizing the release to the city of information.
 - (c) The city shall issue a permit upon receipt of the application, payment of fee and upon determining compliance with the provisions of this article.

(Ord. No. O-98-34, § 1(2.5-3), 9-8-1998; Ord. No. O-05-52, § 4, 11-7-2005)

Sec. 26-53. Amendments to application.

Whenever a person or company listed on the application or listed on an amendment to the application is unable or unwilling to perform their respective duties as set forth in this article, the permit holder shall file an amendment to the permit application listing a person or company who is able and will perform those duties so that at all times the application on file with the city is correct.

(Ord. No. O-98-34, § 1(2.5-4), 9-8-1998)

Sec. 26-54. Confidentiality.

To the extent allowed by law, the city shall treat all information on the application for a permit as confidential; provided, however, that nothing in this article shall prohibit the use of such

information for legitimate purposes relating to the health, safety and well-being of the community and for enforcement of the terms and provisions of this article.

(Ord. No. O-98-34, § 1(2.5-5), 9-8-1998)

Sec. 26-55. Term; renewal.

(a) Each permit issued pursuant to this article shall be valid for a 12-month period from the date of issuance as stated on the permit. If the permit holder relinquishes control of the alarm site before the expiration of 12 months, then the permit extinguishes on the date of relinquishment.

(b) The city shall give at least 30 days' notice of the expiration date and need for renewal. Upon expiration of the 12-month period, a renewal application must be presented to the city along with the renewal fee to renew the permit within ten city working days. After that time a new permit must be applied for. If any fees or charges remain owed to the city or if there is history of unreliability, the city may deny the application until such time all fees or charges have been paid and unreliability is shown to have been corrected according to this article. The renewal will relate back to the original date of issuance in determining the 12-month duration of the permit.

(Ord. No. O-98-34, § 1(2.5-6), 9-8-1998; Ord. No. O-05-52, § 5, 11-7-2005)

Sec. 26-56. Nontransferable.

Each permit issued shall be valid only for the premises permitted and is not transferable to another person or other premises. Upon transfer from the permit holder of control over the premises to which the permit relates, a new permit must be applied for according to this article.

(Ord. No. O-98-34, § 1(2.5-7), 9-8-1998)

Sec. 26-57. To be kept at alarm site; display; decal.

When permitted, a decal shall be issued indicating the permit number and issue date. The decal is to be placed on the main entry door, or on a window on the front of the building which is visible to a police officer or other official of the city and not visibly restricted by landscape, shutters, etc. If a decal is not issued, a permit will be issued that must be displayed in a front window of the alarm site which is visibly accessible so that it may be seen that the residence/business is registered and current with the city.

(Ord. No. O-98-34, § 1(2.5-8), 9-8-1998)

Sec. 26-58. Revocation or refusal to permit an alarm system.

(a) Numerous false alarms. The city may revoke or refuse to permit an alarm system if the permit holder or applicant has accrued more than eight false alarms during the preceding 12-month period. Such refusal to permit or such revocation of permit due to numerous false alarms shall become effective upon written notice by the city to applicant in person at the address given in the application or to the address of the location of the alarm system in the event there is no valid address on an application.

(b) Refusal or revocation due to nonpayment of fees; procedure for refusal or revocation.

(1) The city may revoke or refuse to renew a permit of an applicant or permit holder who has failed to make payment in full to the city of any fees assessed pursuant to this article within 60 days of the date the city has mailed a notice to the applicant or permit holder that the fees are due and owing.

(2) To revoke a permit or refuse renewal for nonpayment of fees, the city shall send or deliver written notice to the permit holder, in person, at the address shown on the application or at the address of the location of the alarm system in the event there is no valid address on the application. The notice of refusal to permit or notice of revocation shall state the amount due and owing to the city. Any permit holder or applicant may appeal the refusal to renew or the revocation due to nonpayment of fees. The appeal must be submitted in writing to the city manager or his designee within 30 days of the date the notice was sent. The permit holder or applicant may request an oral hearing, and he/she will be advised as to the date and time of the hearing. The city manager or his designee shall review the facts, issue a written determination

and deliver such determination in person or at the address shown on the application or at the address of the location of the alarm system in the event there is no valid address on the application.

(c) Reinstatement.

(1) A permit can be reinstated if the revoked permit holder pays the application fee which is the same as that for a new permit application, and shows that:

- a. The cause of all of the chargeable false alarms has been corrected; and
- b. All fees assessed have been paid.

(2) If a permit holder has had a permit revoked twice during the term of that permit, that person must wait a period of one year from the date of the second revocation or, if an appeal has been requested, from the date the written determination denying the permit issued pursuant to an appeal before applying for a new permit for that alarm site.

(Ord. No. O-98-34, § 1(2.5-15), 9-8-1998; Ord. No. O-05-52, § 6, 11-7-2005)

State law references: Termination of permit, V.T.C.A., Local Government Code § 218.005. Sec. 26-59. Reserved.

Editor's note: Sec. 7 of Ord. No. O-05-52, adopted Nov. 7, 2005, deleted § 26-59. The provisions of former § 26-59 pertained to the procedure for refusal or revocation of a permit and derived from Ord. No. O-98-34, adopted Sept. 8, 1998.

Sec. 26-60. Reserved.

Editor's note: Sec. 7 of Ord. No. O-05-52, adopted Nov. 7, 2005, deleted § 26-60. The provisions of former § 26-60 pertained to reinstatement of a permit and derived from Ord. No. O-98-34, adopted Sept. 8, 1998.

Secs. 26-61--26-80. Reserved.

DIVISION 3. REGULATIONS

Sec. 26-81. Duties of permit holder.

(a) The permit holder shall ensure that he or any person listed with the city for purposes of notification pursuant to the provisions of this article is able to:

- (1) Receive notification at any time;
- (2) Come to the alarm site within one hour after receiving a request from the city to do so to assist the city with respect to the premises and the alarm system at such premises; and
- (3) Grant access to the alarm site and to deactivate the alarm system if such becomes necessary.

(b) The permit holder shall train all persons who may activate or deactivate the alarm system in the proper operation of the alarm system.

(c) The permit holder will be responsible for all fees associated with the permit or the operation of the alarm system.

(Ord. No. O-98-34, § 1(2.5-9), 9-8-1998)

Sec. 26-82. Duty of person notified by police department to provide access to premises and render assistance.

Any person or company listed with the city for purposes of notification who is notified by a city official of the activation of an alarm system pursuant to the provisions of this article, and who is able to give access to the alarm site, shall come to the alarm site within one hour of the time such person or company is notified of such activation, and shall provide the city official any necessary access or assistance.

(Ord. No. O-98-34, § 1(2.5-10), 9-8-1998)

Sec. 26-83. Repairing of alarm system.

(a) The permit holder shall ensure that the alarm system is repaired within 72 hours of the time written notification from the city that such system is malfunctioning or causing potential excessive alarms.

(b) Alternatively, the permit holder may cause such alarm system to be deactivated rather than having such system repaired upon written notification from the city that such system is malfunctioning or causing potential excessive alarms. If the permit holder does deactivate such alarm system, he shall so notify the city, and such system shall not be reactivated until it has been repaired.

(Ord. No. O-98-34, § 1(2.5-11), 9-8-1998)

Sec. 26-84. Operation of alarm system.

No person shall install, cause to be installed or permit to be installed an alarm system unless the following requirements are met:

- (1) An alarm system which may be activated as a result of different types of emergency situations shall give a silent signal, if so equipped, that is unique to designate activation as a result of a holdup, a burglary, a fire, or any other different type of emergency situation so that the proper notification and proper response can be made.
- (2) Otherwise, an alarm system designed to emit an audible signal or sound intended to be heard from the exterior of the alarm site shall have a 30-minute shutoff from the time of activation and must not sound similar to that of siren, an emergency vehicle or a civil defense warning system.
- (3) No holdup alarm shall include a money clip, pressure pad or similar device which can cause activation inadvertently, and any holdup alarm shall be designed so that it may be activated only by intentional and deliberate human action.
- (4) No person shall use or permit the use of any telephone device or telephone attachment which automatically selects any telephone line leading into the communication center of the city police department or city fire department or any number leading into the offices of the city and then transmits any prerecorded message or signal.
- (5) No person shall use or permit the use of any system which gives notification of the activation of an alarm system directly to the city police department, city fire department or other offices of the city by any means other than live human voice.
- (6) The chief of police and the fire chief may set reasonable standards and procedures to be followed by any alarm system company or telephone answering service when giving notice to their respective department of activation of an alarm system. Such standards and procedures shall be set out in writing and made available to any person requesting the same.

(Ord. No. O-98-34, § 1(2.5-12), 9-8-1998; Ord. No. O-05-52, § 8, 11-7-2005)

Sec. 26-85. False activation prohibited; exceptions.

No person shall knowingly, intentionally or with reckless disregard activate an alarm system for any purpose other than an emergency or threat of emergency of the kind for which the alarm system was designed to give notice; provided, however, that it shall be an affirmative defense to prosecution under this section that the alarm system was activated solely for the purpose of testing the alarm system, and the person who tested the alarm system took reasonable precautions to avoid any request being made to the city to respond to such alarm. This section shall not apply to conduct which is in violation of the V.T.C.A., Penal Code § 42.06, as presently enacted and as may be subsequently amended.

(Ord. No. O-98-34, § 1(2.5-13), 9-8-1998)

Sec. 26-86. Duties of alarm system companies.

(a) Notification to occupant. On the installation or activation of an alarm system, an alarm systems company shall distribute to the occupant of the alarm system location information summarizing:

- (1) The applicable law relating to false alarms, including the potential for penalties and revocation or suspension of a permit;
- (2) How to prevent false alarms; and
- (3) How to operate the alarm system.

(b) Notification to municipality. An alarm systems 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 thirtieth day after the date of the installation or activation. The alarm systems company shall provide to the municipality:

- (1) The alarm systems company name;
- (2) The alarm systems company license number;
- (3) The name of the occupant of the alarm system location;
- (4) The address of the alarm system location; and
- (5) The date of installation or activation.

(c) Operation of central stations or answering service. Any alarm systems company which operates a central station and any telephone answering service shall:

(1) Responding to alarm. Have sufficient personnel trained in the procedures to be followed in receiving and relaying notice of the activation of any alarm system on duty at all times to ensure that emergency messages or alarm signals received by such business can be relayed immediately to the city. Notification to the city of the activation of an alarm system shall include:

- a. The street address of the alarm site, including the particular suite or apartment number, if applicable;
- b. The name of the permit holder and the permit number;
- c. The type of alarm activated; and
- d. The names and local telephone numbers of the persons to notify, if so authorized by the permit holder.

(2) Notification. Notify the person in control of the property or his designee of the activation of the alarm system within 24 hours of the time the alarm was activated, not to include weekends and holidays, by telephone or by placing written notice in the mail, addressed to the person in control of the premises.

(3) Records. Keep a written record of the date and time each notification of the activation of an alarm system is received and the date, time and method by which the person in control of the property was notified. Such records shall be retained for at least two years and shall be made available for inspection by the city during regular business hours.

(4) Periodic testing for correction of defects. Test or cause to be tested all equipment used by the central station or telephone answering service relating to the receipt of notifications of the activation of any alarm system and the equipment used in relaying those notifications of the activation of any alarm system and the equipment used in relaying those notifications to the city at least one time in every 12-month period and, where a test result is unsatisfactory, correct or cause to be corrected within a reasonable period of time, not to exceed seven days from the date of testing the cause of the unsatisfactory test result.

(5) Evidence of test results. Produce evidence of the results of tests conducted pursuant to this section upon the request of the city. The requirements of this section shall be satisfied if such results are made available at the central station or telephone answering service on the next regular business day after a request is made.

(6) Providing service [to] licensed businesses only. Not provide answering service for any alarm system company which is not licensed by the state. A violation under this subsection shall only be enforceable according to state law and the remedies, policies and procedures provided for therein.

(Ord. No. O-98-34, § 1(2.5-18), 9-8-1998; Ord. No. O-05-52, § 9, 11-7-2005)