

City of Log Cabin

ORDINANCE 126

AN ORDINANCE OF THE CITY OF LOG CABIN, TEXAS, PROVIDING RULES FOR THE INSTALLATION OF ALARM SYSTEMS, REQUIREMENTS, PROCEDURES, PERMITS, FEES AND PROVIDING FOR FALSE ALARM LIMITS AS ESTABLISHED BY THE LOG CABIN POLICE DEPARTMENT, AND BY THE LOG CABIN CITY COUNCIL, AND PROVIDING A PENALTY FOR VIOLATIONS.

NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOG CABIN, TEXAS:

SECTION 1: PRIOR REGULATION

The provisions of this ordinance support and supplement, and in no way diminish or conflict with other City Ordinances providing specific regulation for Alarm Systems.

SECTION 2: ENFORCEMENT OF CITY ORDINANCE

The Chief of Police, or his designee, is hereby authorized and directed to implement the enforcement of this ordinance, upon determination that implementation is necessary, to protect the public welfare and safety. The Chief of Police, or his designee, is hereby authorized and directed to keep records of and track all false alarm calls related to this ordinance for purposes of enforcement.

SECTION 3: APPLICATION OF CITY ORDINANCE

The provisions of this Ordinance shall apply to all persons, firms, groups, organizations, corporations, and residents of the City of Log Cabin.

SECTION 4: DEFINITIONS

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Alarm Notification- An alarm notification, whether transmitted by a human or automated system, to the Police Department, Fire Department or Emergency Medical Services, alerting the responding respective authority of evidence of an unauthorized intrusion, attempted unauthorized intrusion, robbery, attempted robbery, burglary, attempted burglary, attempt to take a person hostage, fire or medical emergency.

Alarm Signal- An audible or visual signal, or both, indicating the existence of an emergency fire, police or medical condition. Audible devices may be bells, horns, chimes, speakers or similar devices.

Alarm Site- A premises or location served by a security and/or fire alarm system.

Alarm Systems Company- A person acts as a security and/or fire alarm systems company, for the purposes of this chapter, if the person is licensed under the Texas Department of Public Safety Private Security Board or the Texas Fire Marshal's Office, whichever is applicable, and sells, installs, services, monitors, or responds to an alarm system or detection device.

Alarm Systems Installer-

(1) An individual acting as a security and/or fire alarm systems installer shall hold a certification issued by the Texas Department of Public Safety Private Security Board if the individual installs, maintains, or repairs an alarm system; or

(2) An individual acting as a fire or medical alarm systems installer shall hold a license and be certified by the State Fire Marshal's Office.

Automatic Alarm Notification- An alarm notification, transmitted by an automated system, to the Police Department, Sheriff's Department, Fire Department or Emergency Medical Services, alerting the responding respective authority of evidence of an unauthorized intrusion, attempted unauthorized intrusion, robbery, attempted robbery, burglary, attempted burglary, assault, attempted assault, attempt to take a person hostage, fire or medical emergency.

Broadcast Alarm- An alarm system that emits a signal at the alarm site that is audible and/or visible from the exterior of a structure.

Burglar Alarm Notification- A notification intended to summon the Police Department, which is initiated or triggered manually or by a security and/or fire alarm system designed to respond to a stimulus characteristic of unauthorized intrusion.

Commercial Alarm- An alarm system located and installed in a commercial, business or any other non-residential structure or unit and capable of emitting an alarm notification.

Commercial Hold-up Alarm- An alarm system located and installed in commercial premises, which is not triggered automatically, but requires manual activation by an employee, officer or agent of the business or commercial enterprise located on the premises. It is designated and intended to indicate to law enforcement personnel that a robbery or holdup is in progress on the premises, and thus is intended to generate a different response from law enforcement authorities than a burglar alarm.

Emergency Medical Services- East Texas EMS Ambulance Service, First Responders from the Log Cabin Fire Department, or Emergency Medical Responders from any entity responding to an alarm in the City of Log Cabin.

False Alarm Notification- An alarm notification to the Police Department, Sheriff's Department, Fire Department or Emergency Medical Services, when the responding respective authority finds no evidence of unauthorized intrusion, attempted unauthorized intrusion, robbery, attempted robbery, burglary, attempted burglary, attempt to take a person hostage, fire or medical emergency.

Fire Alarm System- A notification to the Fire Department intended to summon firefighting forces by an alarm system designed to react to any of the visual or physical characteristics of fire. A fire alarm system shall meet the requirements of the adopted Uniform Fire Code, Article 5.43-2 of the Insurance Code and Fire Alarm Rules of the State of Texas and other nationally recognized standards.

Fire Chief- The Chief of the City of Log Cabin, Texas Fire Department or his or her designee.

Fire Department- The department under the authority of the City of Log Cabin, Texas and under the management of the Mayor and/or City Council or any Volunteer Fire Department providing service to the City of Log Cabin, staffed and equipped for fire protection.

Fire Local Alarm- An alarm system that emits an automatic or manually caused signal at an alarm site and has as its purpose the summoning of aid from the Fire Department.

City of Log Cabin, Texas ("City")- A municipality legally incorporated and doing business under the laws of the State of Texas and authorized to provide police, fire and emergency services within the city limits and other areas as may be agreed upon with other authorized governmental agencies.

Manual Reset- A person shall be designated in the application for a security and/or fire alarm system to be dispatched to the alarm site upon its activation and subsequent response by emergency personnel, as identified in this chapter, to manually reset the security and/or fire alarm system for future necessary activation.

Permit Holder- A natural person designated in the application for a security and/or fire alarm system, broadcast alarm or a hold-up alarm who is responsible for proper maintenance and operation of the alarm system and payment of fees. The **PERMIT HOLDER** or an authorized representative may be named on the application to be responsible for responding to alarms and giving access to the site.

Police Chief- The Chief of Police of the City of Log Cabin, Texas or his or her designated representative.

Police Department- The department under the authority of City of Log Cabin, Texas and under the management of the Mayor and City Council, staffed and equipped for law enforcement protection.

Residential Department- An alarm system located and installed in a private residence, apartment, duplex, townhome or any other residential dwelling unit, which is capable of emitting an alarm notification.

Security Alarm System- Any mechanical or electrical device, which is used to protect people, buildings or premises from criminal acts, 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. This system may also transmit a signal for the any of the visual or physical characteristics of fire, and/or medical emergencies.

Security Local Alarm- An alarm system that emits a signal at an alarm site that is audible or visible from the exterior of a structure and has as its purpose the summoning of aid from the Police Department.

SECTION 5: ALARM SYSTEMS PERMITTING REQUIREMENT.

(A) All security and/or fire alarm systems, as identified and defined in Section 4, operated or caused to be operated in the City of City of Log Cabin to elicit a response from the Log Cabin Police Department, Fire Department, or Emergency Medical Services shall be required to obtain a security and/or fire alarm permit. Security and/or fire alarm systems include, but shall not be limited to, systems causing a response by any of the above stated departments of the city. Activated alarm systems outside the emergency response area shall not require the response of the city's departments and shall not require a permit.

(B) All security and/or fire alarm systems already in operation within the city limits of City of Log Cabin prior to the passage of this ordinance are required to apply for a permit on or before January 5th, 2013. Permits are valid from the time of issuance of the first permit and will expire on January 5th of each subsequent year. Security and/or Fire Alarm Permit Fee's will not be prorated.

(C) In areas designated as multi-family residential, individual security and/or fire alarm systems on individual apartments or dwelling units shall be permitted independently. In no instance will multiple systems be permitted under one permit.

(D) Permitting requirements are as follows:

(1) *Application.* An application, provided by the city and obtained from City Hall, is required to operate or cause to be operated a security and/or fire alarm system or another other system as identified in this ordinance, regardless of ownership.

(2) *Fee.* The payment of a non-refundable fee as provided for in this ordinance in Section 17(A) is required for the completion of an application and the issuance of a permit. The permit is valid until January 5th of the year following issuance, and must be renewed annually prior to January 5th of the following year. The fee may be amended by ordinance from time to time. Fee's will not be prorated.

(3) *Permit.* Upon an application being deemed complete, which must include the completed application and permit fee, a permit shall be issued by the city, unless prohibited as set forth in division (D)(6) below.

(4) *Renewal.* Permits shall be renewed annually and/or upon change in ownership or change in occupancy of the property.

(5) *Transferability.* A security and/or fire alarm permit cannot be transferred to another person or location; however, the individual designated to respond to an alarm or reset a system may be changed. A permit holder shall inform City Hall within ten days of any change that alters information listed on the permit application relative to contact and response information. No fee will be assessed for such changes.

(6) *False statements.* Any false statement or misrepresentation of a material fact made by an applicant for the purpose of obtaining a security and/or fire alarm permit or renewal, or while making a change thereto, shall be sufficient cause for refusal to grant, or suspension of a permit.

SECTION 6: SERVICE FEE.

(A) If in any 12-month period five (5) false alarm notifications are emitted from a security and/or fire alarm system, the city shall assess the permit holder a service fee for each additional false alarm notification, beginning with the sixth (6th) false alarm. The service fee for each false alarm notification exceeding five in a 12-month period shall be as provided for in the Section 17(B) of this Ordinance.

(B) If a security and/or fire alarm system has emitted six or more false alarm notifications in any 12-month period the permit holder, prior to renewal of the permit, shall:

(1) Be responsible for having a licensed alarm system installer conduct a maintenance check on the system. In the event any maintenance, including parts and service, is necessary the permit holder shall be responsible for securing the identified maintenance. At the time of renewal the permit holder shall provide the city with proof that the required maintenance check and all necessary maintenance have been performed. Proof shall be in written form and signed by the licensed alarm system installer, as defined in Section 4; or

(2) Be assessed an increased service fee for all false alarm notifications over the next 12-month period as provided for in Subsection 17(C) of this Ordinance; or

(3) If, in the determination of the city, sufficient care has not been taken by the permit holder based on the previous history of the security and/or fire alarm system, a permit may not be renewed.

SECTION 7: REPORTING OF ALARM SIGNALS.

A permit holder shall not report his or her alarm signals through a relaying intermediary (i.e., alarm systems company) that does not meet the requirements of this chapter and any rules and regulations promulgated by the city or are not licensed by the Texas Department of Public Safety Private Security Board as set forth in Tex. Occ. Code § 1702.

SECTION 8: MAINTENANCE OF SECURITY AND/OR FIRE ALARM SYSTEMS.

A permit holder under this chapter shall:

- (A) Cause an adjustment to be made to the sensory mechanism of the permitted security and/or fire alarm system in order to suppress false alarm notifications;
- (B) Cause an adjustment to be made to the security and/or fire alarm system so that an alarm signal will not sound or be visible for any longer than 15 minutes after being activated;
- (C) Maintain premises containing a security and/or fire alarm system in a manner that ensures proper operation of the security and/or fire alarm system;
- (D) Provide personnel within 30 minutes after notified by the city, to reset the security and/or fire alarm system and provide access to the premises; and
- (E) Display in a prominent exterior location an identification notice provided by the city.

SECTION 9: MANUAL RESET REQUIRED.

The permit holder shall designate in the application a person to be in control of any/all alarm systems at the alarm site. The designated person responsible for the local alarm, either fire or security, or a security and/or fire alarm system that causes a police, fire or emergency services notification to be sent directly to the city, shall adjust or cause the adjustment of the mechanism, so that upon activation the system will transmit only one alarm signal and will not transmit another alarm signal without first being manually reset.

SECTION 10: INSPECTION OF ALARM SYSTEM AND/OR ALARM SITE.

Upon reasonable notification, the city may send a designated authorized representative to the alarm site and inspect the security and/or fire alarm system, fire local alarm and/or police local alarm.

SECTION 11: SUSPENSION OF PERMIT; OFFENSE TO OPERATE.

- (A) The city may suspend or refuse to renew a security and/or fire alarm system permit for any violation of this chapter.
- (B) The permit holder having six or more false alarm notifications within a 12-month period may have the permit suspended by the city until the permit holder can satisfactorily demonstrate that the security and/or fire alarm system will be properly maintained and operated.

(C) A suspension may be lifted or permit renewed upon a sufficient and satisfactory proof that the conditions which caused the action have been corrected, and if the city determines that the security and/or fire alarm system is likely to be maintained and operated in a responsible and proper manner, in accordance with the provisions of this chapter.

(D) A person commits an offense if he/she operates a security and/or fire alarm system during a period of suspension or after the city refuses to renew the permit. Such offense shall be in accordance with Section 16(B).

(E) Upon suspension of the security and/or fire alarm system permit, a reinstatement service fee as provided for in Section 17(D) of this Ordinance shall be paid to the city by the permit holder prior to reinstatement.

SECTION 12: APPEAL FROM DENIAL OR SUSPENSION OF A PERMIT.

(A) If the designated representative of the city, authorized to implement this chapter, refuses to issue or renew a permit or suspends a permit, he or she shall send to the permit holder or applicant, by certified mail, return receipt requested, written notice of his or her action and a statement of the right to an appeal. The permit holder or applicant may appeal the decision to the Mayor by filing a written request for a hearing, setting forth the reasons for the appeal, within ten calendar days after receipt of the notice from the city's representative. The filing of a request for an appeal hearing with the Mayor stays an action by the city representative in suspending the permit until the Mayor makes a final decision. If a request for an appeal hearing is not made within the ten-day period the action of denial or suspension is final.

(B) The Mayor shall serve as hearing officer at an appeal hearing and consider evidence offered by any interested person(s). The formal rules of evidence do not apply at an appeal hearing under this chapter; the hearing officer shall make his/her decision on the basis of a preponderance of the evidence presented at the hearing. The hearing officer must render a decision within 30 days after the request for an appeal hearing is filed. The hearing officer shall affirm, reverse, or modify the action of the city's representative, and the Mayor's decision is final.

SECTION 13: INDIRECT SECURITY AND/OR FIRE ALARM REPORTING.

A person or company engaged in the business of relaying alarm notifications to the Sheriff's Office or City shall:

(A) Send notifications of an alarm to the Dispatch Officer of the Sheriffs Office or City by a human operation and it shall be transmitted in an intelligible manner;

(B) Report alarms in accordance with any rules designated by the Sheriff's Department; and

(C) Furnish the name, address, telephone number and a copy of the license of the alarm systems company licensed by the appropriate state agency, responsible line or lines on a 14-hour, seven-day a week basis for correcting any malfunction that may occur.

SECTION 14: DIRECT SECURITY AND/OR FIRE ALARM REPORTING.

A permit holder whose security and/or fire alarm system transmits automatic alarm notifications directly to the Sheriff's Department or City over the normal telephone system shall:

(A) Transmit the alarm notification in the form and content specified by the Sheriff's Department or City;

(B) Transmit over any special telephone lines designated for such use;

(C) Design the alarm system so that it will notify the permit holder, or the designated agent identified in the permit application, simultaneously with the alarm notification transmission to the Sheriff's Department or City;

(D) Provide, upon a formal request, to the Sheriff's Office or City a copy of the alarm operation procedures, maintenance procedures, and up-to-date circuit diagram to the components of the security and/or fire alarm system; and

(E) Furnish the name, address, telephone number and a copy of the license of the alarm systems company, licensed by the appropriate state agency, responsible for correcting any malfunction that may occur.

SECTION 15: EXEMPTIONS.

Government agencies are not exempt from permit requirements. Government agencies are exempted, however, from permit fees and service fees.

SECTION 16: PENALTY

(A) A person commits an offense if he or she violates by commission or omission any provision of this chapter that imposes upon him or her a duty or responsibility.

(B) A person who violates a provision of this chapter is guilty of a separate offense each day or portion of a day during which the violation is committed, continued or permitted, and each violation is punishable by a fine of not less than \$100 upon first conviction and not more than \$500 upon second and subsequent convictions.

SECTION 17: PERMIT FEE'S / FALSE ALARM FEE'S / REINSTATEMENT FEE'S

(A) The initial payment of a non-refundable fee of \$25 is required for the completion of an application and the issuance of the first permit as provided by Section 5(B). Subsequent renewals of the permit are \$15 per year.

(B) The service fee for each false alarm notification exceeding five in a 12-month period shall be \$50 each on all false alarms as provided by Section 6(A).

(C) An increased service fee shall be assessed for all false alarm notifications over the next 12-month period of \$100 each as provided in Section 6(B)(2).

(D) Upon suspension of the security and/or fire alarm system permit, a reinstatement service fee of \$100 shall be paid to the city by the permit holder prior to reinstatement.

Adopted this 18th day of October, 2012.

Lawrence Nolan, Mayor

ATTESTED:

Pat Hayes, City Secretary