



Legislation Details (With Text)

File #:	18-0638	Version:	1	Name:	OrdinanceAmendment for False Fire Alarms
Type:	Presentation	Status:		Status:	Consent Agenda
File created:	9/19/2018	In control:		In control:	City Council Regular
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Title:	Presentation, possible action, and discussion on an ordinance amending Chapter 12, "Emergency Management and Emergency Services," Article IV, "Alarm Systems," of the Code of Ordinances regarding false alarm fees.				
Sponsors:	Eric Dotson				
Indexes:					
Code sections:					
Attachments:	Ch 12 Alarm Sys Ord Amend 4-27-18.pdf				

Date	Ver.	Action By	Action	Result
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Presentation, possible action, and discussion on an ordinance amending Chapter 12, "Emergency Management and Emergency Services," Article IV, "Alarm Systems," of the Code of Ordinances regarding false alarm fees.

Relationship to Strategic Goals:

- Good Governance
- Core Services and Infrastructure

Recommendation(s): Staff recommends approval of the proposed changes

Summary: The ordinance outlines changes to Chapter 12, "Emergency Management and Emergency Services" of the Code or Ordinances by enabling the Fire Department to charge a fee if a user has more than three false alarms in a twelve month period. The proposed false alarm fees are comparable to the Police Department false alarm fees that have been in place for many years.

The Police Department fees are as follows:

1. 1-3 false alarms **\$0.00**
2. 4-5 false alarms **\$50.00** for each false alarm
3. 6-7 false alarms **\$75.00** for false alarm
4. 8 or more false alarms **\$100.00** for each false alarm
- 5.

The proposed Fire Department false alarm fees are:

1. 1-3 false alarms **\$0.00**
2. 4-5 false alarms **\$85.00** for each false alarm
3. 6-7 false alarms **\$110.50** for false alarm
4. 8 or more false alarms **\$143.65** for each false alarm

Budget & Financial Summary: None

Attachments: Ordinance Amendment

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 12, “EMERGENCY MANAGEMENT AND EMERGENCY SERVICES,” ARTICLE IV, “ALARM SYSTEMS,” OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY AMENDING CERTAIN SECTIONS RELATING TO ALARM SYSTEMS; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:

PART 1: That Chapter 12, “Emergency Management and Emergency Services,” Article IV, “Alarm Systems,” of the Code of Ordinances of the City of College Station, Texas, be amended as set out in **Exhibit “A”** attached hereto and made a part of this Ordinance for all purposes.

PART 2: If any provision of this Ordinance or its application to any person or circumstances is held invalid or unconstitutional, the invalidity or unconstitutionality does not affect other provisions or application of this Ordinance or the Code of Ordinances of the City of College Station, Texas, that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this Ordinance are severable.

PART 3: That any person, corporation, organization, government, governmental subdivision or agency, business trust, estate, trust, partnership, association and any other legal entity violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than twenty five dollars (\$25.00) and not more than five hundred dollars (\$500.00) or more than two thousand dollars (\$2,000) for a violation of fire safety, zoning, or public health and sanitation ordinances, other than the dumping of refuse. Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PART 4: This Ordinance is a penal ordinance and becomes effective ten (10) days after its date of passage by the City Council, as provided by City of College Station Charter Section 35.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2018.

ATTEST:

APPROVED:

City Secretary

Mayor

APPROVED:

City Attorney

EXHIBIT A

That Chapter 12, "Emergency Management and Emergency Services," Article IV, "Alarm Systems," of the Code of Ordinances of the City of College Station, Texas, is hereby amended to read as follows:

ARTICLE IV. - ALARM SYSTEMS**Sec. 12-104. - 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 agent means any individual employed by an alarm business whose duties include altering, installing, maintaining, moving, repairing, replacing, selling, servicing, responding to, or monitoring an alarm system. The term "alarm agent" shall also mean any person employed or otherwise associated with an alarm business who has access to confidential information relating to a customer or subscriber of such alarm business which could be used to compromise or defeat an alarm system.

Alarm business means any company whose duties include altering, installing, maintaining, moving, repairing, replacing, selling, servicing, responding to, or monitoring an alarm system.

Alarm user means any person on whose premises an alarm system is maintained, except for alarm systems on motor vehicles or alarms that summon only the security services of a private security company or other private entity.

Central station means any premises, usually maintained by an alarm company, equipped to receive and displace signals from any type of alarm.

Dial alarm means any alarm or device which automatically selects a telephone line connected to the Police Department and reproduces a prerecorded message to report a criminal intrusion or other emergency requiring a police response.

False alarm means the activation of an alarm system or device through mechanical failure, malfunction, improper installation, or the negligence of the owner of an alarm system or device or of employees or agents thereof. Such terminology does not include, for example, alarms caused by hurricanes, tornadoes, earthquakes or other violent condition.

Hold-up alarm means any type of alarm system or device designated to be activated by the alarm user or subscriber in the event of a holdup or robbery.

Home alarm means any alarm device or system which is connected to a residence.

Subscriber means any person or business which buys or otherwise obtains an alarm system and has a contract with an alarm business to monitor and/or service the alarm system.

Sec. 12-105. - Penalty.

A violation of this article shall be punished as provided in Section 1-7.

Sec. 12-106. - Violations.

- (a) *Notice to City.* The Police and Fire Departments shall be responsible for notifying the Fiscal Services Department of the amount of any fees to be collected. The Fiscal Services Department shall be responsible for collecting any fees.
- (b) *Waiver of imposition.* In the event that the Chief of Police or Fire Chief determines that the false alarms occurred as a direct result of an interruption of electrical power, a telephone system malfunction or other causes clearly beyond the control of the owner, the Chief of Police or Fire Chief may waive the imposition of the applicable false alarm penalty or administrative sanction.
- (c) *Hearing from administrative decision finality.* Any person subject to the imposition of a fee, order of disconnection or other administrative sanction under the terms of this article shall have a right to appeal the decision of the Chief of Police or Fire Chief to the City Manager. Requests for a hearing must be made in writing filed with the Office of the City Manager within 15 days of the date of the notice of administrative decision. Upon receipt of such written request, the City Manager shall schedule a hearing date and inform the owner of the date, time and place of the past false alarms, corrective action taken, and any inspection reports on the cause of false alarms. If the City Manager determines that the false alarms were not caused by the owner or employees, representatives or agents thereof, and that reasonable steps have been taken to correct the problem, the penalty disconnection order or administrative sanction may be suspended in whole or part. The City Manager shall keep a written report of the hearing, including a statement of the reasons for the action taken.

Sec. 12-107. - Alarm business license.

No person shall conduct an alarm business, unless licensed under the Texas Occupations Code ch. 1702.

Sec. 12-108. - Records.

- (a) All alarms within the City are subject to the City ordinance regulating alarms whether or not they terminate at the Police Department. Upon the date the ordinance from which this article is derived is adopted, no additional alarm terminals shall be permitted to be installed at the Police Department. Every subscriber of an alarm system or device within the City shall have an emergency response card on file with the Chief of Police. The card must contain the names and current telephone numbers of at least three individuals authorized to enter upon the premises and turn off any such alarm. The person must acknowledge in writing that the employees of the Police Department of the City are authorized to enter any premises where an alarm has been activated, and they may use reasonable means necessary to gain entry to determine if the alarm is valid or false.
- (b) The City shall maintain a record of all responses to activated alarms. Such records shall include the time, date, location of the alarm, any individuals who responded to the alarm and information indicating if activation of the alarm was valid or false.

Sec. 12-109. - Operational characteristics.

The sensory mechanisms used in connection with the alarms shall be adjusted to suppress for all signals so the alarms will not be activated by impulses due to transient pressure surges, electrical power surges or failures, short flashes of light, normal room temperature changes, wind noises, rattling or vibrating doors or windows, vehicular noises or other causes unrelated to genuine signals.

Sec. 12-110. - Alarm system standards.

- (a) *Power supply.* Any alarm system which necessitates response by a law enforcement agency or fire department response or is a public alarm, shall be provided with standby power to automatically maintain the system in a normal condition for a period of four hours in the event of the interruption of the primary power source. This does not apply where the central monitoring equipment produces a distinctive signal indicating power failure at the protected premises and a police response is not required.
- (b) *Inspection.* The City shall be entitled to inspect any installation for standby power supply function or any other problem during regular business hours.

Sec. 12-111. - Maintenance.

- (a) All alarm systems shall be subject to repair or correction no later than the end of the business day following the day on which the user or alarm agent receives notification of the need for such service.
- (b) The Police Chief or Fire Chief or their designees may require inspections of any alarm to correct any problems.

Sec. 12-112. - Audible or local alarm cutoff.

Every audible local alarm shall be equipped with an automatic 15-minute cutoff and reset device, or shall be capable of being silenced manually by the owner or a representative thereof upon arrival at the location of the alarm.

Sec. 12-113. - False alarms.

- (a) Upon notification by the Police Department or Fire Department, the designated alarm user or subscriber, or one of the persons listed on the emergency response card shall come to the scene of an alarm activation within 30 minutes of being notified of the alarm activation. Verification that an alarm is false shall be done by Police Officers or Fire Officials.
- (b) An alarm user or subscriber shall be allowed three false alarms in a preceding 12-month period without penalty. After this, a user or subscriber shall be assessed a fee established in Section 2-117.
- (c) Any false alarms resulting from a failure to take the necessary corrective action to prevent any such reoccurrence and/or nonpayment of any false alarm penalty may result in the Chief of Police providing a written notice ordering a disconnection of such alarm until such corrective

action or payment of fee is made, provided that no disconnection shall be ordered on any premises required by law to have an alarm system in operation.

- (d)** Any false fire alarm systems resulting from a failure to take the necessary corrective action to prevent any such reoccurrence and/or nonpayment of any false alarm penalty may result in the Fire Official or Building Official suspending or revoking in writing the alarm user, subscriber or owner's Certificate of Occupancy for the building with the reoccurring false alarms or nonpayment until the fire alarm system is inspected by the City and is in proper working order and payment is made.