

AN ORDINANCE OF THE CITY OF FRISCO, TEXAS, REPEALING ORDINANCE NO. 96-10-10; REGULATING BURGLAR, ROBBERY, FIRE, MEDICAL EMERGENCY ASSISTANCE; PANIC ALARMS AND REGULATING PERSONS ENGAGED IN RELAYING ALARM NOTIFICATION; PROVIDING FOR THE ISSUANCE AND REVOCATION OF PERMITS AND FOR THE ESTABLISHMENT OF PERMIT FEES; PROVIDING AN APPEAL PROCEDURE FOR DENIAL OR REVOCATION OF A PERMIT; PROVIDING FOR THE ENFORCEMENT OF SUCH REGULATIONS, PROVIDING FOR A SERVICE CHARGE FEE FOR FALSE ALARMS; ALLOWING FOR RESPONSE TERMINATION BY CITY POLICE AND/OR FIRE DEPARTMENT IN THE EVENT OF NONCOMPLIANCE WITH THIS ORDINANCE; PROVIDING SAVINGS, REPEALING AND SEVERABILITY CLAUSES; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Frisco, Texas (“City Council”) finds that it is in the best interest of the citizens of the City of Frisco, Texas (“Frisco” or “City”) to 1) regulate burglar, robbery, fire, medical emergency assistance and panic alarms; 2) regulate those persons engaged in relaying alarm notification installed and maintained by citizens and businesses in Frisco; 3) require permits and permit fees for such alarms; 4) require service fee charge for false alarms; 5) establish duties for alarm companies; 6) allow response termination by the Frisco Police Department and the Frisco Fire Department; 7) provide for the enforcement of these regulations; and 8) provide for penalties for the violation of this Ordinance as set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS:

**SECTION 1: FINDINGS INCORPORATED.** The findings set forth above are incorporated as if fully set forth herein.

**SECTION 2: ORDINANCE NO. 96-10-10 REPEALED.** Frisco Ordinance No. 96-10-10 is repealed in its entirety and replaced by this Ordinance. The effective date of the repeal discussed in this section shall not occur until the effective date of this Ordinance at which time Ordinance No. 96-10-10 shall be repealed. Such repeal shall not abate any pending prosecution and/or lawsuit or prevent any prosecution and/or lawsuit from being commenced for any violation of Ordinance No. 96-10-10 occurring before the effective date of this Ordinance and shall not prevent false alarms occurring under Ordinance No. 96-10-10 to be counted towards the total number of false alarms when applying this Ordinance.

**SECTION 3: DEFINITIONS.** The following definitions shall apply in the interpretation and enforcement of this Ordinance and shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) ALARM COMPANY means any person who sells, installs, services, or monitors an alarm system.
- (2) ALARM PERMIT or PERMIT means a certificate, license, permit, registration, or other form of permission that authorizes a person to operate an alarm system.
- (3) ALARM SITE means a single fixed premises or location served by an alarm system or systems. Each unit if served by a separate alarm system in a multi-unit building or complex shall be considered a separate alarm site.
- (4) ALARM SYSTEM means a device or system that transmits or relays a signal intended to summon emergency services of the City, and illustrated by, but not limited to, local alarms. Alarm system does not include:
  - (a) An alarm installed on a vehicle unless the vehicle is installed at a permanent site and used for habitation;
  - (b) An alarm designed to alert only the inhabitants of a premises; nor
  - (c) An alarm installed upon premises occupied by the City.
- (5) ANSI STANDARD means the American National Standards Institute, an independent organization that approves standards that have been through an approval process and are accepted as a standard.
- (6) BURGLAR ALARM NOTIFICATION means the notification intended to summon the police, which is initiated or triggered manually or by an alarm system designed to respond to a stimulus characteristic of an unauthorized intrusion.
- (7) CITY MANAGER means the City Manager of Frisco or his/her authorized representative who shall not be a police officer or a firefighter of the City.
- (8) COMMUNICATIONS CENTER means the Police Department dispatch center.
- (9) CONVERSION means the transaction or process by which one alarm company begins monitoring an alarm system previously monitored by another alarm company.
- (10) CP-01 ANSI/SIA CONTROL PANEL STANDARD means an alarm control panel that is listed and approved by Underwriters Laboratories as compliant with the standard.
- (11) DAY(S) means calendar days.

- (12) DIRECTOR means the Chief of Police or Fire Chief of Frisco, or his/her authorized representative.
- (13) ECV means the ANSI/CSAA CS-V-01 Standard for the telephonic verification of intrusion alarms.
- (14) EMERGENCY MEDICAL ASSISTANCE ALARM means an alarm system which summons emergency medical assistance.
- (15) FALSE BURGLAR ALARM NOTIFICATION means a burglar alarm notification to the police, when the responding police officer finds no evidence of unauthorized intrusion or attempted unauthorized intrusion.
- (16) FALSE EMERGENCY MEDICAL ASSISTANCE ALARM NOTIFICATION means an emergency medical assistance alarm notification to the communications center, and the responding public safety personnel finds there is no evidence of a need for medical assistance.
- (17) FALSE FIRE ALARM NOTIFICATION means a fire alarm notification to the fire department, and the responding fire personnel finds no evidence of fire.
- (18) FALSE PANIC ALARM NOTIFICATION means an emergency alarm notification has been made to the communications center, and the responding public safety personnel find there is no evidence of circumstances requiring an emergency response by Frisco public safety personnel.
- (19) FALSE ROBBERY ALARM NOTIFICATION means a robbery alarm notification to the police, and the responding police officer finds no evidence of a robbery.
- (20) FIRE ALARM NOTIFICATION is notification to summon the fire department initiated or triggered by smoke or fire, fire sprinkler activation or other stimulus characteristic of fire.
- (21) LOCAL ALARM means an alarm system that emits a signal at the site that is audible or visible from the exterior of a structure and has as its primary purpose the summoning of aid from a City department.
- (22) PANIC ALARM NOTIFICATION is an emergency alarm notification that is manually triggered and relayed to the communications center.
- (23) PERSON means an individual, corporation, partnership, association, organization or other entity

- (24) ROBBERY ALARM NOTIFICATION is a notification by means of an alarm system to be purposely activated by a human who intended to summon the police when a robbery occurs.

**SECTION 4: PERMIT AND FEE REQUIRED: APPLICATION, DURATION, RENEWAL TRANSFERABILITY AND FALSE STATEMENTS.**

- (1) An annual, nonrefundable fee of thirty-five (\$35.00) is required for each permit or renewal of a permit. A permit is valid for a period of twelve (12) months from the date of issuance. Permits must be renewed within ten (10) days of the expiration of the previously issued permit.
- (2) Application for a permit under the provisions of this section constitutes a grant of approval to the City to deactivate an alarm system that sounds an alarm signal for longer than thirty (30) minutes after being notified.
- (3) Any person owning or operating an alarm system must apply for a permit within thirty (30) days of installation of the alarm system. A person commits an offense if he fails to apply for a permit within thirty (30) days after installation of the alarm system and/or if he thereafter operates or causes to be operated an alarm system without a valid permit issued pursuant to this Ordinance. A separate permit application is required for each alarm site and each type of alarm system. It is a defense to prosecution if the permit application has been submitted to the director in accordance with this Ordinance and the director is processing the permit application.
- (4) Upon receipt of the required fee and completed application form, the director shall issue a permit unless there is cause to believe the equipment responsible for initiating an alarm will not be maintained and operated in accordance with this Ordinance or the applicant will not comply with each provision of this Ordinance. The permit will be kept on file at the alarm site and shall be made available upon request by the City.
- (5) Each permit application must contain the following information and be complete, true and accurate in its entirety:
  - (a) Name address and telephone number of the permit holder who will be responsible for the proper maintenance and operation of the alarm system and payment of fees assessed under this Ordinance;
  - (b) Classification of the alarm site as either residential or commercial including a description of the alarm site (i.e. for an apartment, should include the building number and the apartment number if so numbered;
  - (c) The purpose of the alarm system for each alarm system located at the alarm site (i.e. unauthorized intrusion, burglary, fire, robbery, panic);

- (d) The name and telephone number of the alarm system monitoring company that has agreed to receive calls for the permitted alarm system, if applicable; and
  - (e) Any other information required by the director or his/her designee that is necessary for the enforcement of this Ordinance.
- (6) Individuals designated to respond or relay an alarm may be changed. A permit holder shall inform the director in writing of any changes that alter information listed on the permit application. No fee will be assessed for such changes.
  - (7) Residents who have a valid permit that is more than sixty (60) days from expiration may transfer said permit to a new location within Frisco.
  - (8) Any false statement or misrepresentation of a material fact made by an applicant or person for the purpose of obtaining an alarm permit or renewal, or while making a change thereto, shall be sufficient cause for refusal to grant, or to revoke a permit.

**SECTION 5: OTHER TYPES OF ALARMS.**

- (1) A person shall not install or maintain an alarm system that summons a public response from Frisco except for the purpose of eliciting responses to burglaries, robberies, fires, panic or medical emergencies, unless specifically authorized by the director.
- (2) If innovations in alarm systems or other types of alarm devices adversely affect emergency services in the City, the director may promulgate other rules and regulations in order to protect the City's emergency services.

**SECTION 6: SERVICE CHARGE.**

- (1) If false burglar alarm notifications are emitted from an alarm site, the director shall assess the permit holder in control of that alarm site a fee for false burglar alarms emitted from the alarm site in the following amounts:
  - (a) Fifty dollars (\$50.00) if the alarm site has had more than three (3), but less than six (6) false alarms in the immediately preceding twelve (12) month period;
  - (b) Seventy-five dollars (\$75.00) if the alarm site has had more than five (5), but less than eight (8) false alarms in the, immediately preceding twelve (12) month period; or

- (c) One hundred dollars (\$100.00) if the alarm site has had eight (8) or more false alarms in the immediately preceding twelve (12) month period.
- (2) If, within any twelve (12) month period, two (2) false robbery alarm notifications are emitted from an alarm site, the director shall assess the permit holder in control of that alarm site a fee for each subsequent false robbery alarm notification emitted from the alarm site. The fee for each false robbery alarm under this subsection shall be seventy-five dollars (\$75.00).
- (3) If, within any twelve (12) month period, two (2) false fire alarm notifications are emitted from an alarm site, the director shall assess the permit holder in control on that alarm site a fee for each subsequent false fire alarm notification emitted from the alarm site. The fee for each false fire alarm under this subsection shall be seventy-five dollars (\$75.00).
- (4) If, within any twelve (12) month period, two (2) false panic alarm notifications are emitted from an alarm site, the director shall assess the permit holder in control on that alarm site a fee for each subsequent false fire alarm notification emitted from the alarm site. The fee for each false panic alarm under this subsection shall be seventy-five dollars (\$75.00).
- (5) If, within any twelve (12) month period, two (2) false emergency medical assistance alarm notifications are emitted from an alarm site, the director shall assess the permit holder in control of that alarm site a fee for each subsequent emergency medical assistance alarm notification emitted from the alarm site. The fee for each false medical emergency alarm under this subsection shall be seventy-five dollars (\$75.00).
- (6) A permit holder shall pay a fee assessed under this section within thirty (30) days after receipt of notice that it has been assessed.
- (7) The permit holder will be exempt from any fees charged for a false alarm notification which is later shown to have been, in the director's sole determination, justified or which was due to a natural or manmade catastrophe or other situation specifically exempted by the director.
- (8) The Frisco Police Department may, at the director's sole discretion, offer periodic information sessions to alarm permit holders on alarm systems. Attendees may receive waiver for one (1) future false alarm violation fee or a reduction in an already assessed fee.
- (9) For the purposes of this Ordinance, a permit holder shall be considered to be in control of the alarm site for all purposes and at all times, regardless of whether the permit holder is physically present when an alarm is activated and regardless of whether the alarm is activated by a third person, including but not limited to,

another resident of the premises, a family member, a service worker, a guest or an invitee, unless the third party is a trespasser of the alarm site.

**SECTION 7: REPORTING OF ALARM SIGNALS.** A permit holder shall not report his/her alarm signals through a relaying intermediary that:

- (1) does not meet the requirements of this Ordinance and any rules and regulations promulgated by the director; and
- (2) is not licensed by the Texas Board of Private Investigators and Private Security Agencies.

**SECTION 8: PROPER ALARM SYSTEM OPERATION AND MAINTENANCE.**

- (1) A permit holder shall:
  - (a) Cause an adjustment to be made to the sensory mechanism of his/her alarm system in order to suppress false indications of force so that the alarm system will not be activated by impulses due to:
    1. Transient pressure changes in water pipes;
    2. Flashes of light;
    3. Wind noise caused by the rattling or vibrating of doors or windows;
    4. Vehicular noise adjacent to the installation; or
    5. Other forces unrelated to actual emergencies.
  - (b) Maintain the premises containing an alarm system in a manner that ensures proper operation of the alarm system.
  - (c) Comply with Texas State law and install only Underwriters Listed CP-01 Alarm Control Panels on all new installations and service replacements.
  - (d) Upon the effective date of this Ordinance, no inside sounder shall be installed that can be heard more than fifty (50) feet from the alarm site.
  - (e) Upon the effective date of this Ordinance, no outside sounder shall be installed at an alarm site.
  - (f) Provide at least three (3) names and telephone numbers of contacts (non-emergency responders) that are able to respond to the alarm site within thirty (30) minutes with a key or means of access to the alarm site if needed by the emergency responders. Preference should be given to the use of cellular phone numbers as backup contact to the primary alarm site number. This shall not prevent public safety personnel from forcibly

entering the alarm site when they reasonably believe that an emergency exists inside.

- (g) If the permit holder, or designee, fails to respond to the scene within thirty (30) minutes to reset the alarm system and provide access to the alarm site, the alarm system may be silenced by authorized City personnel and a fee of fifty dollars (\$50.00), in addition to the actual expenses incurred in securing the alarm site, will be charged to the permit holder. All costs of the City in disabling such an alarm system shall be assessed to the permit holder of the alarm site and shall be paid to the City within thirty (30) days after the permit holder has received notice that the costs have been assessed. Failure of the permit holder to pay the assessed fee will result in the permit being revoked.
- (h) Upon the effective date of this Ordinance, alarm systems that are manually initiated at an arming station shall require a double action trigger. NOTE: Implementation of this feature may include, but is not limited to, any of the following:
- Simultaneous depression of two (2) buttons, where if either of the buttons have multiple functions, the two (2) buttons are non-adjacent.
  - Depression of a single button after lifting the cover that normally protects it if the cover protects only emergency function buttons.
  - Depression of a single button for at least two (2) seconds.
- (h) Upon the effective date of this Ordinance, all hold up or silent panic devices shall be dual action.

**SECTION 9: INSPECTION.** Upon reasonable notification, the director may inspect an alarm site and alarm system of a permit holder.

**SECTION 10: REVOCATION OF PERMIT, OFFENSE TO OPERATE & TERMINATION OF RESPONSE BY CITY.**

- (1) The director may revoke or refuse to renew an alarm system permit for failure to meet the standards/requirements set out in this Ordinance.
- (2) The director may revoke or refuse to renew an alarm permit if the director determines, in his/her sole discretion, that the alarm system in question has a history of unreliability, which unreliability shall be presumed upon the occurrence, in the immediately preceding twelve (12) month period, of:
- (a) Eight (8) false burglar alarms;
  - (b) Five (5) false robbery alarms;
  - (c) Five (5) false fire alarms;

- (d) Five (5) false medical emergency assistance alarms; or
  - (e) Five (5) false panic alarms.
- (3) A revoked permit may be reissued upon the payment of a twenty-five dollar (\$25.00) reinstatement fee and upon the determination by the director that the applicant has made a sufficient showing that the conditions which caused the false alarms have been corrected and that the alarm system is likely to be maintained and operated in a responsible manner in accordance with the provisions of this Ordinance.
  - (4) A person commits an offense if he operates an alarm system after the director revokes or refuses to renew a permit for that alarm system.
  - (5) Responses from the police and fire departments may be terminated to non-permitted sites after notification to the owner or permit holder of the alarm site has been made by regular and certified mail, return receipt requested.
  - (6) Responses will not be terminated because of excessive false alarms to an alarm site with a valid permit, if all fees are paid in full.

**SECTION 11: APPEAL FROM DENIAL OR REVOCATION OF A PERMIT.**

- (1) If the director refuses to issue or renew a permit, or revokes a permit, the director shall send to the applicant or permit holder by certified mail, return receipt requested, written notice of the director's action and a statement of the right to an appeal. The applicant or permit holder may appeal the decision of the director 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) calendar days after the receipt of the notice from the director. The filing of a request for an appeal hearing with the City Manager stays an action of the director until the City Manager makes the final decision. If a request for an appeal hearing is not made within the ten (10) day period, the action of the director is final.
- (2) The City Manager, or his designee, shall serve as hearing officer at an appeal hearing and consider evidence offered by any interested person. The formal rules of evidence do not apply at any appeal hearing and the City Manager shall make his final decision on the basis of a preponderance of the evidence presented at the hearing. The hearing officer must render a decision within thirty (30) days after the request for an appeal hearing is filed or the appeal shall be deemed denied. The City Manager shall affirm, reverse, or modify the action of the director, and his decision is final.

**SECTION 12: DUTIES OF ALARM COMPANY.**

- (1) An alarm company shall confirm that a valid alarm permit has been issued by Frisco for an alarm site before performing any alarm system conversion at the alarm site.

- (2) An alarm company that has a contract with a permit holder or person in control of an alarm system shall send a certification to the director, or his/her designee, within thirty (30) days of performing or causing the performance of an alarm system installation or conversion. The certificate must state:
- (a) The date of installation or conversion of the alarm system, whichever is applicable;
  - (b) The name, address, telephone number and current state license number of the alarm company providing the alarm system installation or conversion;
  - (c) The name, address, telephone number and current state license number of the alarm company providing monitoring for the alarm system if different from the alarm company under contract to provide installation or conversion for the alarm system;
  - (d) That a complete set of written operating instructions for the alarm system, including, without limitation, written guidelines on how to avoid false alarms has been left with the applicant; and
  - (e) That the alarm company has trained the applicant in the proper use of the alarm system, including, without limitation, instructions on how to avoid, and through their alarm company, how to cancel false alarms.
- (3) A person who is engaged in the business of relaying alarm notifications to the City shall:
- (a) Send notification of an alarm to the City by the means and in the form currently specified by the Chief of Police.
  - (b) Keep his business premises locked and secured at all times;
  - (c) Allow an inspection of his business premises by the Chief of Police or his/her designee at any time;
  - (d) Report alarms only over special telephone numbers, or designated by the director;
  - (e) Send alarm notifications to the City in a manner and form determined and approved by the director; and
  - (f) Before requesting police response to an alarm signal, attempt to verify every alarm signal, except a panic, robbery, fire or emergency medical alarm activation, by making a minimum of two (2) telephone calls to two

(2) separate phone numbers as per ANSI/ CSAA C-V-01 Standard for the telephone verification of alarm signals.

- (4) A person commits an offense if he engages in the business of relaying alarm notifications in Frisco without complying fully with the items listed above.

**SECTION 13: DIRECT ALARM REPORTING.** It shall be unlawful for any person or business to operate or energize an alarm system or, alarm device, which activates an automatic dialing device, which sends a signal to the communications center, without the written approval of the director.

**SECTION 14: INTENTIONAL ACTIVATION UNLAWFUL.** From and after the effective date of this Ordinance, it shall be unlawful for any person to intentionally activate or cause to be activated any alarm system for other than its intended purpose and with the intent of causing a response by the City's public safety personnel.

**SECTION 15: CONFIDENTIALITY.** In the interest of public safety, all information contained in and gathered through the alarm registration applications, records relating to alarm dispatch requests, and applications for appeals shall, unless otherwise required by law, 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. This provision shall not prevent an alarm company from receiving confirmation from Frisco that an alarm permit has been issued for an alarm site, as required under Section 12 of this Ordinance.

**SECTION 16: CALL CANCELLATIONS.** All alarm monitoring companies must make every effort to cancel previous dispatch requests when additional information becomes available, verifying that no dispatch is required. If a cancellation request is received by the communications center prior to the arrival of an officer at the alarm site, there will be no fines or penalties assessed to the permit holder.

**SECTION 17. GOVERNMENT IMMUNITY.** The issuance of an alarm permit and/or the provisions set forth in this Ordinance are not intended to, nor do they 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 permit holder acknowledges that law enforcement, fire and/or emergency medical response may be influenced by factors such as, among other things: availability, priority of calls, weather conditions, traffic conditions, emergency conditions and staffing levels.

**SECTION 18: VIOLATIONS OF ORDINANCE MISDEMEANOR.**

- (1) Any person who operates an alarm system in violation of this Ordinance shall be, upon conviction, deemed guilty of a misdemeanor and fined an amount not in excess of five hundred dollars (\$500.00). Each day of violation shall constitute a separate and distinct offense.

- (2) A person commits an offense if he violates by commission or omission any provision of this Ordinance that imposes upon him a duty or responsibility.
- (3) In addition to prohibiting or requiring certain conduct of individuals, it is the intent of this Ordinance to hold a corporation, partnership, association or other entity criminally responsible for acts or omissions performed by an agent acting on behalf of the corporation, partnership, association, or entity and within the scope of the agent's employment or authority.

**SECTION 19: SEVERABILITY.** Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Frisco hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

**SECTION 20: REPEALING AND SAVINGS PROVISIONS.** All provisions of any Frisco ordinances in conflict herewith are repealed to the extent they are in conflict, but such repeal shall not abate any pending prosecution for the violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance; provided, however, Frisco Ordinance No. 96-10-10 shall remain in full force and effect until the effective date of this Ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

**SECTION 21: EFFECTIVE DATE.** This Ordinance shall become effective from and after its adoption and publication as required by the City Charter and by law.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS** on this \_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
 Maher Maso, Mayor

**ATTESTED TO AND  
 CORRECTLY RECORDED BY:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
 Jenny Page, City Secretary

  
 \_\_\_\_\_  
 Abernathy, Roeder, Boyd & Joplin P.C.  
 Claire E. Swann, City Attorney

*Date(s) of Publication:* \_\_\_\_\_, *Frisco Enterprise*