

CITY OF FRISCO, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS, REPEALING ORDINANCE NO. ~~96-10-10; REGULATING 09-12-67~~ AND AMENDING FRISCO'S CODE OF ORDINANCES, ORDINANCE NO. ~~06-03-31, AS AMENDED, CHAPTER 6 (ALARM SYSTEMS); TO REGULATE~~ BURGLAR, ROBBERY, FIRE, MEDICAL EMERGENCY ASSISTANCE~~;~~, PANIC ALARMS AND ~~REGULATING~~ PERSONS ENGAGED IN RELAYING ALARM ~~NOTIFICATION~~NOTIFICATIONS; 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~~DEPARTMENTS IN THE EVENT OF ~~NONCOMPLAINE~~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") has investigated into and determined that it would be advantageous and beneficial to the citizens of the City of Frisco, Texas ("Frisco" or "City") to repeal Ordinance No. 09-12-67 and to amend Frisco's Code of Ordinances No. 06-03-31, as amended ("Code of Ordinances"), Chapter 6 (Alarm Systems), as set forth herein: and

WHEREAS, the City Council further finds that it is in the best interest of the citizens of the City of Frisco, Texas ("Frisco" or "City") to to: (1) regulate burglar, robbery, fire, medical emergency medical 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 chargecharges for false alarms; (5) establish duties for alarm administrator, alarm users and alarm companies; (6) allow permit revocation and response termination by the City of Frisco Police Department and the Frisco Fire Department; Departments; (7) provide for the enforcement of these regulations; and (8) provide for penalties for the violation of this Ordinance as set forth below:; and

WHEREAS, the City Council has further investigated and determined that it is in the best interest of the City and its citizens to amend the Code of Ordinances as set forth below.

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

~~SECTION~~**Section 1: FINDINGS INCORPORATED-Finding Incorporated.** The findings set forth above are incorporated as if fully set forth herein.

~~SECTION~~**Section 2: ORDINANCE NO. 96-10-10 REPEALED. Ordinance No. 09-12-67 Repealed.** Frisco Ordinance No. ~~96-10-1009-12-67~~ is repealed in its entirety and replaced by this Ordinance. The effective date of the repeal discussed in this ~~section~~**Section** shall not occur until the effective date of this Ordinance at which time Ordinance No. ~~96-10-1009-12-67~~ 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. ~~96-10-1009-12-67~~ occurring before the effective date of this Ordinance and shall not prevent false alarms occurring under Ordinance No. ~~96-10-1009-12-67~~ to be counted towards the total number of false alarms when applying this Ordinance.

~~SECTION 3: DEFINITIONS.~~ **Section 3: Amendment to the Code of Ordinances, Chapter 6 (Alarm Systems).** Amendment to the Code of Ordinances, Chapter 6 (Alarm Systems), is hereby amended to revise Chapter 6 in its entirety as follows:

“CHAPTER 6
ALARM SYSTEMS

Sec. 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~~**Section**, except where the context clearly indicates a different meaning:

~~ALARM COMPANY~~***ACT OF GOD*** means an extraordinary interruption by natural causes (such as flood, earthquake, or severe weather) of the usual course of events that experience, foresight, or care cannot reasonably foresee or prevent.

~~ALARM ADMINISTRATOR~~ means a Person or Persons designated by the Chief of Police to administer, control, and review False Alarm reduction efforts and administer the provisions of this Ordinance including the Alarm Administrator’s authorized designee.

~~ALARM COMPANY~~ means any person who sells, installs, services, or monitors in the business to sell, install, service, or monitor an Alarm System located at an Alarm Site.

~~(1)ALARM DISPATCH REQUEST~~ means a notification to the Communications Center that an alarm-system, whether manual or automatic, has been activated for a particular Alarm Site.

~~(2)ALARM PERMIT~~***ALARM PERMIT, OR PERMIT*** means a certificate, license, permit, registration, or other form of permission from the Alarm

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Administrator that authorizes a person to operate an ~~alarm system~~ Alarm System at an Alarm Site.

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~~ALARM SITE~~ ALARM SITE means a single fixed premise or location served by an ~~alarm system or systems~~ Alarm System or Systems that is under the control of one owner or tenant. Each unit if served by a separate ~~alarm system~~ Alarm System in a multi-unit building or complex shall be considered a separate ~~alarm~~ Alarm Site and is further defined by the following categories:

- ~~(3)~~ (1) Residential site means a single family residence and each residential unit of a multi-family unit building which is served by an Alarm System.
- (2) ~~ALARM SYSTEM~~ Commercial site means every premise or location where any business activity is regularly conducted and which is served by an Alarm System. For any business within the premises that is served by a separate Alarm System, shall be considered a separate Alarm Site.
- (3) Educational site means every premise or location of a public or private school and their administrative offices.
- (4) Governmental site means every premise or location of any federal, state, county, or local government office.

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~~(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 System does not include:

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- ~~(a)~~ (1) An alarm installed on a vehicle unless the vehicle is installed used for habitation at a permanent site and used for habitation;
- ~~(b)~~ (2) An alarm designed to alert only the inhabitants of a premises; nor
- ~~(c)~~ (3) An alarm installed upon premises occupied by the City.

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ALARM USER means any Person who has contracted for monitoring, repair, installation, or maintenance services from an Alarm Company for an Alarm System, or a Person who owns or operates an Alarm System that is not monitored, maintained, or repaired under contract with an Alarm Company.

ALARM USER AWARENESS TRAINING means in-person or online training conducted for the purpose of educating Alarm Users about the responsible use, operation, and maintenance of Alarm Sites and Systems and the problems created by False Alarms.

ARMING STATION means a device that allows control of an Alarm System.

~~(5)ANSI STANDARD~~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.

~~BURGLAR ALARM NOTIFICATION~~AUTOMATIC VOICE DIALER means any electrical, electronic, mechanical, or other device capable of being programmed to send a prerecorded voice message, when activated, over a telephone line, radio, or other communication system to the Communications Center requesting dispatch to an Alarm Site.

~~(6)BURGLAR ALARM NOTIFICATION~~ means the notification intended to summon the police, which is initiated or triggered manually or by an alarm systemAlarm System designed to respond to a stimulussituation characteristic of an unauthorized intrusion.

CITY MANAGER~~CANCELLATION~~ means the process where the Public Safety Response is terminated when an Alarm Company notifies the Communications prior to the Public Safety Response arrival at the Alarm Site.

~~(7)~~ COMMUNICATIONS CENTER 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 DepartmentPublic Safety Response dispatch center.

~~(9)CONVERSION~~CONVERSION means the transaction or process by which one alarm companyAlarm Company begins monitoring an alarm systemAlarm System previously monitored by another alarm companyAlarm Company.

~~(10)CP-01 ANSI/SIA CONTROL PANEL STANDARD~~CONTROL PANEL STANDARD means an alarm control panel that is listed and approved by Underwriters Laboratories as compliant with the standard.

~~(11)DAY(S)~~DAY(S) means calendar days.

~~(12)DIRECTOR~~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.

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~~(14) EMERGENCY MEDICAL ASSISTANCE ALARM~~ EMERGENCY MEDICAL ASSISTANCE ALARM means an alarm system Alarm System which summons emergency medical assistance.

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FALSE BURGLAR ALARM OR FALSE ALARM NOTIFICATION means an alarm notification to summon a Public Safety Response and there is no evidence of a need for a Public Safety Response.

FALSE BURGLAR ALARM NOTIFICATION means a burglar alarm notification to the police, and when the responding police officer finds no evidence of unauthorized intrusion or attempted unauthorized intrusion.

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~~FALSE EMERGENCY MEDICAL ASSISTANCE ALARM NOTIFICATION~~ FALSE EMERGENCY MEDICAL ASSISTANCE ALARM NOTIFICATION means an emergency medical assistance alarm notification to the communications center, and the responding public safety personnel ~~finds~~ find there is no evidence of a need for medical assistance.

~~FALSE FIRE ALARM NOTIFICATION~~ FALSE FIRE ALARM NOTIFICATION means a fire alarm notification to the fire department, and the responding fire personnel ~~finds~~ find no evidence of fire.

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~~FALSE PANIC ALARM NOTIFICATION~~ 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~~ for circumstances requiring an emergency response ~~by Fire or public safety personnel~~.

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~~FALSE ROBBERY ALARM NOTIFICATION~~ FALSE ROBBERY ALARM NOTIFICATION means a robbery alarm notification Robbery Alarm Notification to the police, and the responding police officer finds no evidence of a robbery.

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~~FIRE ALARM NOTIFICATION~~ FIRE ALARM NOTIFICATION means a notification to summon the fire department initiated or triggered by smoke or fire, fire sprinkler activation or other ~~stimulus~~ situations that are characteristic of a fire.

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~~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.

PANIC ALARM NOTIFICATION LATE FEE means the fee charged for failing to pay the original fee owed for a False Alarm, permit renewal fee, or other allowable fee that is not paid on time. The Late Fee is in addition to the amount originally owed.

~~(22)~~ PANIC ALARM NOTIFICATION is an emergency alarm notification that is manually triggered and relayed to the ~~communications center~~ Communications Center for the purpose of summoning a public safety response.

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PERSON/PERMIT HOLDER means a person issued an Alarm Permit.

~~(23)~~ PERSON means an individual, corporation, partnership, association, organization or other entity.

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~~(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.

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

~~(a)~~ An annual, nonrefundable fee of thirty-five (\$35.00) is required for each residential 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.

~~(b)~~ 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.

PUBLIC SAFETY RESPONSE means a response by City of Frisco Police, Fire, and/or Emergency Medical Services personnel.

RESPONDER means an individual capable of reaching the Alarm Site within thirty (30) minutes and has access to the Alarm Site, including the code, and is able to disarm the False Alarm, and to authorize repairs to the Alarm System.

ROBBERY ALARM NOTIFICATION means a silent Alarm System signal generated by the entry of a designated code into an Arming Station in order to signal that the Alarm User is being forced to turn off the Alarm System and requires a law enforcement response. It also includes a silent alarm generated by the manual activation of a device to signal a robbery in progress or immediately after it occurred.

TAKEOVER means the transaction or process which an Alarm User takes control of an existing Alarm System that was previously controlled by another Alarm User.

VERIFY means an attempt by the Alarm Company to contact the Alarm Site or Alarm User by telephone, including text message, whether or not actual contact is made.

Sec. 6-2 Permit and Fee Required: Application, Duration, Renewal Transferability

~~(3)~~(a) Permit Required. Any person owning or operating an ~~alarm system~~Alarm System must apply for a permit within thirty (30) days of installation of the ~~alarm system~~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~~Alarm System and/or if he thereafter operates or causes to be operated an ~~alarm system~~Alarm System without a valid permit issued pursuant to this Ordinance. A separate permit application is required for each ~~alarm site~~Alarm Site and each type of ~~alarm system~~Alarm System. It is a defense to prosecution if the permit application has been submitted to the ~~director~~Alarm Administrator in accordance with this Ordinance and the ~~director~~Alarm Administrator is processing the permit application.

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(b) Upon receipt of the Fees.

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(1) An annual, nonrefundable fee of Thirty-Five Dollars (\$35.00) is required ~~fee and completed~~ for each residential Alarm Permit or renewal of a permit. The annual nonrefundable fee for each commercial permit is One Hundred Dollars (\$100.00), including renewal of a permit.

(2) 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. An updated application form, ~~the director shall issue a permit number unless there is cause to believe the equipment responsible for initiating an and~~ registration renewal fee must be submitted for renewal.

~~(4)~~(3) Governmental and public educational sites are exempt from all permit fees, ~~false alarm will not be maintained and operated in accordance with charges, service fees and fines that are assessed under this Ordinance or as long as the applicant will not entity has a valid alarm permit, but shall comply with each provision~~ all other requirements of this Ordinance.

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(c) Late Fee for Renewal. A failure to renew within the ten day period shall incur a late fee of Twenty-Five Dollars (\$25.00) for each Alarm System that was not renewed in the applicable period.

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(d) Authority for City to Enter and Deactivate Alarm. 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, including entry onto and into the premises of the Alarm Site for this purpose. The right of entry includes

a waiver of any damages incurred to the premises or the Alarm System as a result of this access and deactivation.

~~(5)~~(e) Permit Requirements. Each permit application must contain the following information and be complete, true and accurate in its entirety:

(a1) Name, address, and telephone number(s) of the ~~permit holder~~Permit Holder who will be responsible for the proper maintenance and operation of the ~~alarm system~~Alarm System and payment of fees assessed under this Ordinance; The mailing address if different than the address of the Permit Holder or the Alarm Site;

~~(e)~~—

~~(4)~~(2) The classification of the Alarm Site as either residential or commercial including the building number and the apartment number;

(3) For each Alarm System located at the Alarm Site, the classification of the Alarm System (i.e. Burglary, Robbery, Panic Alarms or other) and for each classification, whether such alarm is audible or silent;

(4) Any dangerous, hazardous, or special conditions present at the Alarm Site;

(5) The name and telephone number of the ~~alarm system monitoring company~~Alarm Company that has agreed to receive calls for the permitted ~~alarm system~~Alarm System, if applicable; and

~~(e)~~—Any ~~(6)~~ Provide at least two (2) names of Responders and their telephone numbers who are able to receive notification of an Alarm System activation and respond to the Alarm Site within thirty (30) minutes of being notified with a key or other means of access to the premises and, if needed, can deactivate the Alarm System. Preference should be given to the use of cellular phone numbers as backup contact to the primary Alarm Site number; or

(7) Signed certification from the Alarm User that includes the following:

a. The date of the installation, conversion, or takeover of the Alarm System;

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- b. The name, address, and telephone number of the Alarm Installation Company or companies performing the installation, conversion, or takeover.
- c. The name, address and telephone number of the Alarm Company that performs the monitoring service if different than (b) above.
- d. That a set of written operating instructions for the Alarm System that include guidelines on how to avoid False Alarms, have been left with the applicant by the Alarm Company:
- e. That the applicant has been trained by the Alarm Company in the proper user of the Alarm System, including instructions on how to avoid False Alarms:
- f. That in consideration for the ability to have an Alarm Permit, the applicant is authorized to and grants to the City of Frisco the right to enter onto the Alarm Site, including the right to enter into a residence or building for the purpose of disarming a False Alarm if the Alarm User or Responder is not present or is unable to deactivate the False Alarm. The right of entry includes a waiver of any damages incurred to the premises or the Alarm System as a result of this access and deactivation; and
- g. Any other information required by the director or his/her designee Alarm Administrator that is necessary for the enforcement of this Ordinance.

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~~(f) 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.~~

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~~(7) Residents who have (f) A Frisco resident who has a valid permit that is more than sixty (60) days from expiration may transfer said permit to a new location within Frisco.~~

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~~Any(g) Upon receipt of a completed Alarm Permit application and the Alarm Permit fee including any past due fees, penalties and fines, the Alarm Administrator shall register the applicant and issue a permit number unless the applicant has:~~

- ~~(1) Failed to pay a fine, penalty or fee assessed under this Ordinance;~~

(2) ~~Had an Alarm Permit for the Alarm Site suspended or revoked, and the violation that resulted in a suspension or revocation has not been corrected; or~~

(8)(3) ~~Made any false statement or misrepresentation of a material fact made by an applicant or person for the purpose of obtaining an alarm permit Alarm Permit or renewal, or while making a change thereto, shall be sufficient cause for refusal to grant, or to revoke a permit.~~

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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 Sec. 6-3 Revocation of eliciting responses to burglaries, robberies, fires, panic or medical emergencies, unless specifically authorized by the director. Permit~~

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~~(b) 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.~~

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SECTION 6: SERVICE CHARGE.

~~(a) 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:~~

~~(1) 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;~~

~~(2) 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~~

~~(3) 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.~~

~~(b) 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. (a) The fee for each false robbery alarm under this subsection shall be seventy five dollars (\$75.00).~~

~~(c) 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).~~

- ~~(d) 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).~~
- ~~(e) 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).~~
- ~~(f) A permit holder shall pay a fee assessed under this section within thirty (30) days after receipt of notice that it has been assessed.~~
- ~~(g) 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.~~
- ~~(h) 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.~~
- ~~(i) 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.**~~

~~(a) 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.~~

~~(2) Maintain the premises containing an alarm system in a manner that ensures proper operation of the alarm system.~~

~~(3) Comply with Texas State law and install only Underwriters Listed CP-01 Alarm Control Panels on all new installations and service replacements.~~

~~(4) 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.~~

~~(5) Upon the effective date of this Ordinance, no outside sounder shall be installed at an alarm site.~~

~~(6) 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.~~

~~(7) 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.~~

~~(8) 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 directorAlarm Administrator~~ may revoke or refuse to renew an ~~alarm system permitAlarm System Permit~~ for failure to meet the standards/ and requirements set out in this Ordinance.

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~~(2)(b)~~ The ~~directorAlarm Administrator~~ may revoke or refuse to renew an ~~alarm permitAlarm Permit~~ if the ~~directorAlarm Administrator~~ determines, in his/her sole discretion, that the ~~alarm systemAlarm 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:

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- ~~(a)(1)~~ Eight (8) false burglar alarms;
- ~~(b)(2)~~ Five (5) -false robbery alarms;
- ~~(c)(3)~~ Five (5) false fire alarms;
- ~~(d)(4)~~ Five (5) false medical emergency assistance alarms; or
- ~~(e)(5)~~ Five (5) false panic alarms.

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~~(c)~~ The Alarm Administrator may revoke a permit for a false robbery alarm activated by a single action, non-recessed button.

~~(d)~~ A revoked permit may be reissued upon the payment of a ~~twenty-five dollarTwenty-Five Dollars~~ (\$25.00) reinstatement fee and upon:

~~(3)~~(1) Determination by the ~~determination by the director~~Alarm Administrator that the applicant has made a sufficient showing that the conditions which caused the false alarms have been corrected and that the ~~alarm system~~Alarm System is likely to be maintained and operated in a responsible manner in accordance with the provisions of this Ordinance;

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(2) Payment of all outstanding fees, penalties and fines; and

(3) If required by the Alarm Administrator, a certification from an Alarm Company, stating that the Alarm System at the Alarm Site has been repaired or adjusted in a manner to attempt to eliminate false alarms and describes the actions that occurred to make that certification, and that the Alarm User has been made aware of the issues that resulted or may result in False Alarms, including but not limited to the impact of pets, home decorations, changes in the environment, need to train Responders who have access to the premises by providing the Responders the code(s) to deactivate the Alarm System and passwords to identify the Responders to the Alarm Company in an alarm situation.

(e) A person may appeal a revocation or refusal to renew a permit in accordance with the procedures set forth in Section 6-4.

(4)(f) A person commits an offense if he operates an ~~alarm system~~Alarm System after the ~~director~~Alarm Administrator revokes or refuses to issue or renew a permit for that ~~alarm system~~Alarm System.

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~~(e) 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.~~

~~(f) 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.

Sec. 6-4 Appeal from Denial, Revocation or Non-Renewal of a Permit

(1) (a) If the ~~director~~Alarm Administrator refuses to issue or renew a permit, or revokes a permit, the ~~director~~Alarm Administrator shall send to the applicant or ~~permit holder~~Permit Holder by certified mail, return receipt requested, written notice of the ~~director's action~~Alarm Administrator's decision and a statement of the right to an appeal. The applicant or ~~permit holder~~Permit Holder may appeal the decision of the ~~director~~Alarm Administrator to the ~~City Manager~~Director by filing with the City

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~~Manager~~Director 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~~Alarm Administrator. The filing of a request for an appeal hearing with the ~~City Manager~~Director stays ~~an~~the action of the ~~director~~Alarm Administrator until the ~~City Manager~~Director 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~~Alarm Administrator is final. An Alarm Permit holder with an existing permit, must have thirty days' notice before the non-renewal is effective.

- (2) ~~The City Manager, or his designee,~~(b) The Director 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~~Director shall make his final decision on the basis of a preponderance of the evidence presented at the hearing. The ~~hearing officer~~Director 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~~Director shall affirm, reverse, or modify the action of the ~~director~~Alarm Administrator, and his decision is final.

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

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~~An alarm company~~Sec. 6-5 Other Types of Alarms

- (a) It shall ~~confirm~~be unlawful for a person to install or maintain an Alarm System that summons a Public Safety Response from Frisco for the purpose of eliciting responses to burglaries, robberies, fires, panic or medical emergencies unless specifically authorized by this Ordinance.
- (b) 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.

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~~Sec. 6-6 False Alarm and Service Charges~~

- (a) If False Alarm Notifications are received for an Alarm Site, the Alarm Administrator shall assess the Permit Holder in control of that Alarm Site a fee for False Alarms emitted from the Alarm Site in the following amounts:
- (1) Fifty Dollars (\$50.00) if the Alarm Site has had more than three (3), but less than six (6) False Burglar Alarm Notifications in the immediately preceding twelve (12) month period;

- (2) Seventy-Five Dollars (\$75.00) if the Alarm Site has had more than five (5), but less than eight (8) False Burglar Alarm Notifications in the immediately preceding twelve (12) month period;
 - (3) One Hundred Dollars (\$100.00) if the Alarm Site has had eight (8) or more False Burglar Alarm Notifications in the immediately preceding twelve (12) month period;
 - (4) If, within any twelve (12) month period, two (2) False Robbery Alarm Notifications are emitted from an Alarm Site, the Alarm Administrator 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 Notification under this subsection shall be Seventy-Five Dollars (\$75.00);
 - (5) If, within any twelve (12) month period, two (2) False Fire Alarm Notifications are emitted from an Alarm Site, the Alarm Administrator 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 Notification under this subsection shall be Seventy-Five Dollars (\$75.00);
 - (6) If, within any twelve (12) month period, two (2) False Panic Alarm Notifications are emitted from an Alarm Site, the Alarm Administrator shall assess the Permit Holder in control on that Alarm Site a fee for each subsequent False Panic Alarm Notification emitted from the Alarm Site. The fee for each False Panic Alarm Notification under this subsection shall be Seventy-Five Dollars (\$75.00); or
 - (7) If, within any twelve (12) month period, two (2) False Emergency Medical Assistance Alarm Notifications are emitted from an Alarm Site, the Alarm Administrator shall assess the Permit Holder in control of that Alarm Site a fee for each subsequent False Emergency Medical Assistance Alarm Notification emitted from the Alarm Site. The fee for each False Medical Emergency Alarm Notification under this subsection shall be Seventy-Five Dollars (\$75.00).
- (b) If the Permit Holder or Responder 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.

- (c) If a Public Safety Response takes longer than thirty (30) minutes to respond to the Alarm Dispatch Request or Cancellation is received by the Communication Center before the arrival of Public Safety Response personnel to the Alarm Site, no False Alarm fee shall be assessed.
- (d) A Permit Holder shall pay a fee assessed under this Section within thirty (30) days after receipt of notice that it has been assessed. A failure to pay the fee within thirty (30) days will result in an additional ten percent late fee. Failure of the Permit Holder to pay the assessed fee and any applicable late fee will result in the Permit being revoked.
- (e) All persons assessed a fee shall have a right to appeal the same using the process set forth in Section 6-4 of this Ordinance. A right to appeal will be included in the notice of the fee.
- (f) The Permit Holder will be exempt from any fees charged for a False Alarm Notification which is later shown to have been in the Alarm Administrator's sole determination, justified or which was due to a natural or manmade catastrophe or other situation specifically exempted by the Director.
- (g) 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 Dispatch 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.
- (h) Alarm Permit Holders for governmental or public educational sites are exempt from the payment of false alarm fees.

Sec. 6-7 Unlawful Reporting of Alarm Signals

- (a) It is unlawful for an Alarm Permit Holder to report alarm signals through a relaying intermediary that:
 - (1) does not meet the requirements of this Ordinance and any rules and regulations promulgated by the Alarm Administrator; or

(2) is not licensed by the Texas Board of Private Investigators and Private Security Agencies except for a personal emergency response alarm system that does not include a burglar or fire system.

(b) A person commits an offense if the person operates any Alarm System without having a valid alarm permit for the Alarm System and shall be subject to a penalty not to exceed Two Hundred and Fifty Dollars (\$250.00). Each and every day a violation continues shall constitute a separate offense. This provision shall not apply to a person operating a personal emergency response system that is not part of a combination of a burglar or fire Alarm System.

Sec. 6-8 Offense for Improper Alarm System Operation and Maintenance

(a) It is unlawful for an Alarm User to:

(1) Fail to 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:

a. Transient pressure changes in water pipes;

b. Flashes of light;

c. Wind noise caused by the rattling or vibrating of doors or windows;

d. Vehicular noise adjacent to the installation; or

e. Other forces unrelated to actual emergencies.

(2) Fail to maintain the premises containing an Alarm System in a manner that ensures proper operation of the Alarm System;

(3) Fail to comply with Texas State law and install only Underwriters Listed CP-01 Alarm Control Panels on all new installations and service replacements;

(4) Allow an inside sounder to be installed or operated so that it can be heard outside of the internal premises of the Alarm Site;

(5) Allow an outside sounder be installed at the Alarm Site;

(6) To utilize an Automatic Voice Dialer for purposes of notifying the Communications Center of an alarm except for panic alarms; or

- (7) Operate an Alarm System that is manually initiated at an arming station without a double action trigger. A double action trigger includes but is not limited to, any of the following:
 - a. Simultaneous depression of two (2) buttons, where if either of the buttons have multiple functions, the two (2) buttons are non-adjacent.
 - b. Depression of a single button after lifting the cover that normally protects it if the cover protects only emergency function buttons.
 - c. Depression of a single button for at least two (2) seconds.

Sec. 6-9 Duties of the Alarm User

- (a) An Alarm User shall:
 - (1) Operate the Alarm Site and the Alarm System in a manner that minimizes or eliminates False Alarms;
 - (2) Make every reasonable effort to have a Responder to the Alarm Site within thirty (30) minutes when requested by the Communications Center in order to:
 - a. Deactivate the alarm;
 - b. Provide access to the Alarm Site and Alarm System;
 - c. Provide alternative security to the Alarm Site.
- (b) Not activate an Alarm System for any reason other than an occurrence of an event that the Alarm System was designed to report.
- (c) Adjust the mechanism of an inside sounder so that the alarm will sound for no longer than ten (10) minutes.
- (d) Maintain a written set of operating instructions for each Alarm System at the Alarm Site.
- (e) Upon reasonable notification, allow the Alarm Administrator or his designee to inspect the Alarm Site and Alarm System of the Permit Holder.
- (f) Not use a Robbery Alarm Notification that is a single action, non-recessed button.

(g) Inform the Alarm Administrator in writing of any changes that alter information listed on the permit application within five (5) business days of the change. No fee will be assessed for such changes.

Sec. 6-10 Duties of Alarm Company

(a) All Alarm Companies shall be licensed through the Texas Department of Public Safety Private Security Bureau as required by the Texas Occupation Code, Chapter 1702, as amended.

(b) An Alarm Company shall:

(1) (1) Confirm with the Alarm Administrator that a valid Alarm Permit has been issued by Frisco for an ~~alarm-site~~ Alarm Site before performing any ~~alarm-system~~ Alarm System conversion at the ~~alarm site~~ Alarm Site.

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(2) An alarm company that has a contract with a permit holder or person in control of an alarm system shall send (2) Send a certification to the director, or his/her designee, Alarm Administrator within thirty (30) days of performing or causing the performance of an ~~alarm system~~ Alarm System installation or ~~conversion~~ Conversion. The certificate must state:

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(a) a. The date of installation or conversion of the ~~alarm system~~ Alarm System, whichever is applicable;

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(b) b. The name, address, telephone number and current state license number of the ~~alarm-company~~ Alarm Company providing the ~~alarm-system~~ Alarm System installation or conversion;

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(c) c. The name, address, telephone number and current state license number of the ~~alarm-company~~ Alarm Company providing monitoring for the ~~alarm-system~~ Alarm System if different from the ~~alarm-company~~ Alarm Company under contract to provide installation or conversion for the ~~alarm system~~ Alarm System;

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(d) d. That a complete set of written operating instructions for the ~~alarm-system~~ Alarm System, including, without limitation, written guidelines on how to avoid false alarms has been left with the applicant; and/or

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(e) e. That the ~~alarm-company~~ Alarm Company has trained the applicant in the proper use of the ~~alarm-system~~ Alarm

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System, including, without limitation, instructions on how to avoid, and through their ~~alarm company~~Alarm Company, how to cancel false alarms.

~~(3) A person who is engaged in the business of relaying alarm notifications to the City shall:~~

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~~(a) (3) Send notification of an alarm to the City by the means and in the form currently specified by the Chief of Police.~~Alarm Administrator;

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~~(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;~~

~~(4) Communicate Alarm Dispatch requests and Cancellations to the Communication Center in a manner determined by the Alarm Administrator;~~

~~(5) Communicate any available information (permit number, north south, front, back, floor, etc.) about the premises on all alarm signals related to the Alarm Dispatch request;~~

~~(6) Communicate the type of alarm activation (silent, audible, interior or perimeter);~~

~~(7) After making an Alarm Dispatch request, promptly advise the Communications Center if the Alarm Company is aware that the Alarm User and/or Responder is on the way to the Alarm Site;~~

~~(8) Contact the Alarm User or Responder within twenty-four (24) hours via mail, email, fax, telephone or other electronic means when an Alarm Dispatch Request is made;~~

~~(d) Report alarms only over special signals and dispatch requests by using telephone numbers, or designated by the director;~~

~~(e)(9) Send alarm notifications to the City in a manner and form determined Alarm Administrator; and approved by the director; and~~

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~~(f)(10) Before requesting police response an Alarm Dispatch Request 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~~

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numbers as per ANSI/ CSAA C-V-01 Standard for the telephone verification of alarm signals.

(c) An Alarm Company shall not install an Automatic Voice Dialer as part of an Alarm System unless it is limited to Panic Alarm Notifications.

Sec. 6-11 Duty to Maintain and Provide Records

(a) Upon the effective date of this Ordinance, an Alarm Company shall:

(1) Maintain for a period of one (1) year from the date of the Alarm Dispatch Request, records relation to Alarm Dispatch Requests. That include the name, address and telephone number of the Alarm User and evidence that demonstrates attempts to Verify. The Alarm Administrator may request copies of the records of individually named Alarm Users located in Frisco. If the request is made within sixty (60) days of an Alarm Request Dispatch, the Alarm Company shall furnish the requested records within three (3) business days of receipt of the request. If the request is made between sixty (60) days to one year after an Alarm Dispatch Request, the Alarm Company shall furnish the records within thirty (30) days of the request.

(2) Provide the Alarm Administrator with the names and telephone numbers of the Alarm User's Responders maintained by the Alarm Company for that Alarm User at the time of the Alarm Dispatch Request or within a reasonable time thereafter, not to exceed forty-eight (48) hours, if the Communication Center requests that information.

Sec. 6-12 Offenses for Alarm Companies

(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~~ this Ordinance. This shall not apply to installation or activation of a personal emergency response system, as defined by Texas Occupation Code, Section 1702.331, as amended.

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~~SECTION Sec. 6-13: DIRECT ALARM REPORTING.~~ **Duties and Authority of the Alarm Administrator**

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(a) The Alarm Administrator shall establish a procedure for notification to the Alarm User of a False Alarm. The notice shall include the following information:

(1) Date and time of Public Safety Response:

- (2) Identification number of the public safety person; and
- (3) A statement advising the Alarm User to ensure that the Alarm System is properly operated, inspected and serviced in order to avoid False Alarm and resulting fees and fines.

- (b) The Alarm Administrator may implement an Alarm User Awareness Class.
- (c) The Alarm Administrator may require an Alarm User to remove a Robbery Alarm that is a single action, non-recessed button, if a false alarm has occurred.

Sec. 6-14 Direct Alarm Reporting

It shall be unlawful for any person or business to operate or energize an ~~alarm system~~Alarm System or, ~~an~~ alarm device, which activates an automatic dialing device, ~~which that~~ sends a signal to the ~~communications center,~~ without the written approval of the director~~Communications Center.~~

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~~SECTION 14: INTENTIONAL ACTIVATION UNLAWFUL.~~ From and after the effective date of this Ordinance, ~~it~~**Sec. 6-15 Intentional Activation Unlawful**

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It shall be unlawful for any person to intentionally activate or cause to be activated any ~~alarm system~~Alarm System for other than its intended purpose and with the intent of causing a ~~response~~Public Safety Response.

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Sec. 6-16 Confidentiality

To the extent allowed by the City's public safety personnel:

~~SECTION 15: CONFIDENTIALITY.~~ In the interest of public safety~~law,~~ 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,~~ are confidential and shall be held in confidence by all employees or representatives of the ~~municipality~~City of Frisco 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~~Alarm Company from receiving confirmation from Frisco that an ~~alarm permit~~Alarm Permit has been issued for an ~~alarm site,~~ as required under Section 12 of this OrdinanceAlarm Site.

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~~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

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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. Sec. 6-17~~
Termination of Response

- (a) Responses from the police and fire departments may be terminated to non-permitted Alarm Sites after notification to the owner or last known Permit Holder of the Alarm Site has been made by regular and certified mail, return receipt requested.
- (b) Responses will not be terminated because of excessive false burglar notifications to a Residential Alarm Site as long as a valid permit exists and all fees are paid in full.

Sec. 6-18 Government Immunity

The issuance of an ~~alarm permit~~ 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 a response by the City. 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~~ Alarm Permit, the ~~permit holder~~ 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. ~~and that an Alarm Permit is not a guarantee of any Public Safety Response at any time~~ Notwithstanding the above, the City may discontinue service to an Alarm Site for failure to pay false alarm fees.

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

Sec. 6-19 Violations of Ordinance Misdemeanor

- (1)(a) Any person who ~~operates an alarm system in violation of~~ violates this Ordinance shall be, upon conviction, deemed guilty of a misdemeanor and fined an amount not in excess of ~~five hundred dollars~~ Five Hundred Dollars (\$500.00-.) unless a lesser maximum amount has been provided for in this Ordinance. Each day of violation continues shall constitute a separate and distinct offense.
- (2)(b) 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.

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(3)(c) 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."

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~~SECTION 19: SEVERABILITY.~~ Section 4: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/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 and/or invalid.

~~SECTION 20: REPEALING AND SAVINGS PROVISIONS.~~ Section 5: Repealing/Savings. 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. ~~96-10-1009-12-67~~ 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.~~ Section 6: 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~~2016.

Maher Maso, Mayor

ATTESTED TO AND
CORRECTLY RECORDED BY:

APPROVED AS TO FORM:

Jenny Page, City Secretary
Claire E. Swann

Abernathy, Roeder, Boyd & ~~Joplin~~Hullett, P.C.
Diane C. Wetherbee, City AttorneyAttorneys

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| *Date(s) of Publication:* _____, *Frisco Enterprise*

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