

COMMISSIONERS COURT ORDER

REGULATION REGARDING FALSE ALARMS
IN UNINCORPORATED AREAS OF TARRANT COUNTY, TEXAS

Sec. 1.01. Definitions.

In this Regulation:

1. 'Alarm notification' means a notification intended to summon sheriff, fire or other emergency response personnel to an alarm site.

2. 'Alarm site' means the specific property or area of the premises on or within which an alarm system is installed or placed.

3. 'Alarm system' means an alarm signal device, burglar alarm, heat or motion sensor, or other electrical, mechanical, or electronic device used:

- (a) to prevent or detect burglary, theft, pilferage, fire or other loss of property;
- (b) to prevent or detect intrusion, or
- (c) primarily to detect and summon aid for other emergencies.

4. 'Applicant' means the person applying to be a permit holder pursuant to this regulation.

5. 'False alarm' means an alarm signal received by a law enforcement official that is later determined not to involve a criminal offense, attempted criminal offense, fire, or other emergency.

6. 'Permit holder' means the person designated in the application as required in this regulation upon whom a duty or responsibility is imposed.

Sec. 1.02. Applicability.

1. This regulation does not apply to:

- (a) Emergency response systems managed by health care facilities licensed by the Texas Department of Health; or

- (b) Alarm systems installed on:
- (1) A motor vehicle;
 - (2) Premises occupied by the United States, this State, or the County; or
 - (3) Premises located in an incorporated area within the County.

2. other political subdivisions that operate alarm systems shall be required to obtain a permit except that neither permit fees nor service fees- shall be required of such political subdivisions. No permit shall be required of the county, state or federal governmental entities.

3. No permit required by this regulation shall be required of a person who operates or causes to be operated an alarm system at an alarm site at a one-family or two-family dwelling until after an alarm notification has been received based upon an alarm signal from such system.

Sec. 1.03. Alarm permit-Required; fee; application; transfer.

1. A person commits an offense if he operates or causes to be operated an alarm system without a valid alarm permit issued by the Sheriff except as to multifamily dwellings, apartment buildings, or apartment complexes for which a permit is issued pursuant to paragraph 3 of this section.

2. A fee of twenty-five dollars (\$25.00) shall be charged for the issuance of each permit other than permits issued pursuant to paragraph 1 of this section.

3. In lieu of the fee imposed by paragraph 2 of this section, a fee of fifty dollars (\$50.00) may be paid and a permit obtained for a multi-family dwelling, apartment buildings, or apartment complex with one (1) such permit required for each one hundred (100) units or less.

4. Upon receipt of a completed application form and the required fee, the Sheriff shall issue an alarm permit to an applicant unless the applicant has failed to pay a service fee assessed under this regulation or has had an alarm permit revoked, and the violation causing the revocation has not been corrected.

5. Each permit application must contain the following information:

- (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 chapter;

- (b) classification of the alarm site as either residential or commercial, including, where the alarm site is an apartment, the building number and apartment number, if so numbered;
- (c) For each alarm system located at the alarm site the purpose of the alarm system, i.e., reporting criminal activity, fire alarm, or emergency medical service;
- (d) other information required by the Sheriff which is necessary for the enforcement of this chapter.

6. Any false statement of a material matter made by an applicant for the purpose of obtaining an alarm permit shall be sufficient cause for refusal to issue a permit.

7. An alarm permit cannot be transferred to another alarm system except by authorization of the Sheriff. A permit holder shall inform the Sheriff of any change that alters any information listed on the permit application within two (2) business days. No fees will be assessed for such change.

8. A permit holder shall cancel a permit for any alarm system which is removed from an alarm site or which otherwise ceases to come under the permitting requirements of this chapter. Cancellation may be accomplished by returning the permit to the Sheriff.

- (a) All fees owed by an applicant must be paid before a permit may be issued or renewed.

Sec. 1.04 Revocation of permit.

1. The Sheriff shall revoke an alarm permit if he determines that:

- (a) There is a false statement of a material matter in the application for a permit.
- (b) The permit holder has violated sections 1.03, 1.05, 1.06, 1.07, 1.08, 1.09 or 1.10.
- (c) The permit holder has failed to make payment of a service fee assessed under section 1.14 within thirty (30) days of receiving notice to do so.

2. A person commits an offense if he operates an alarm system during the period in which his alarm permit is revoked-

Sec. 1.05. Appeal from permit denial or revocation.

1. If the Sheriff refuses to issue or renew a permit, or revokes a permit, he shall send to the applicant or permit holder by certified mail, return receipt requested, written notice of his action and a statement of -the right to an appeal - The applicant or permit holder may appeal the decision of the Sheriff to the Commissioners Court by filing with the Commissioners Court Administrator a written request for a hearing, setting forth the reasons for the appeal, within ten (10) days after receipt of the notice from the Sheriff. The filing of a request for an appeal hearing with the Commissioners Court Administrator stays an action of the Sheriff in revoking a permit until the Commissioners Court makes a final decision. If a request for an appeal hearing is not made within the ten-day period, the action of the Sheriff is final.

2. The Commissioners Court shall set a time and place for the hearing, which shall be served upon the applicant or permit holder by certified mail, return receipt requested. The Commissioners Court shall serve as hearing officer at an appeal and consider evidence by any interested person. The formal rules of evidence do not apply at an appeal hearing. All parties to the hearing shall have the right to present evidence and shall have the right of cross-examination. The hearing officer shall make its decision on the basis of a preponderance of the evidence within fifteen (15) days after the request for an appeal hearing is filed. The time for hearing an appeal may be extended by agreement of the parties. The hearing officer shall affirm, reverse or modify the action of the Sheriff. The decision of the hearing officer is final as to administrative remedies with the county

Sec. 1.06 Same-Duration; renewal; inspection.

1- An alarm permit is issued for one (1) year and must be renewed every year upon submission of an updated application and the required permit fee. It is the responsibility of the permit holder to submit an application and the required permit fee prior to the permit expiration date. The Sheriff shall determine the first expiration date of a permit.

2. A permit shall not be renewed if the applicant has past due, outstanding service fees at another alarm site for which he is the permit holder, unless the service fees are under review in an appeal pursuant to this regulation.

3. The permit holder for an alarm system shall keep such permit at the alarm site and shall produce such permit or evidence thereof for inspection upon request of any member of the Sheriff's Department.

Sec. 1.07 Alarm system operation and maintenance.

1. A permit holder shall:

- (a) Maintain the premises containing an alarm system in a manner that ensures proper operation of the alarm system;
- (b) Maintain the alarm system in a manner that will minimize false alarms;
- (c) Respond or cause a representative to respond within a reasonable period of time when requested by the Sheriff to repair or inactivate a malfunctioning alarm system, to provide access to the premises or to provide security for the premises;
- (d) Not manually activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report;
- (e) Notify the Sheriff's Department prior to activation of an alarm for maintenance purposes.

2. A permit holder shall adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal will sound for no longer than thirty (30) minutes after being activated.

Sec. 1.08 Alarm reset.

1. A permit holder of an alarm system that utilizes a local alarm shall adjust the mechanism or cause the mechanism to be adjusted so that, upon activation, the local alarm will not transmit another alarm signal without first being reset.

Sec. 1.09. Indirect alarm reporting.

1. A person who is engaged in the business of relaying alarm notifications to the Sheriff shall:

- (a) Communicate alarm notifications to the Sheriff's office in a manner and form determined by the Sheriff;
- (b) Provide local or toll free call-back telephone numbers when requested by the Sheriffs Department.
- (c) Contact a representative of the alarm site when requested by the Sheriff's Department.

- (d) Comply with all other requirements of this regulation and any rules and regulations promulgated by the Sheriff.

Sec. 1. 10. Direct automatic alarm notification.

1. An alarm system, other than an alarm system in a local, state, or federal governmental entity or in a financial institution, which transmits automatic alarm notifications directly to the communications center of the Sheriff's Department shall be prohibited.

Sec. 1. 11. Alarm system operating instructions.

1. A permit holder shall maintain at each alarm site a complete set of written operating instructions for each alarm system. Special codes, combinations or passwords must not be included in these instructions.

Sec. 1. 12. Alarm dispatch records.

1. The Sheriff Dispatcher receiving the alarm notification and/or the Sheriff's Deputy responding to a dispatch resulting from a burglar, robbery, or personal hostage or robbery alarm notification shall cause to be recorded in the Sheriff Information Systems such information as necessary to permit the Sheriff to maintain records, including but not limited to the following information:

- (a) Identification of the permit holder;
- (b) Identification of the alarm site;
- (c) Dispatcher received time, dispatch time and officer arrived at scene time;
- (d) Date of occurrence;
- (e) Name of permit holder's representative on premises, if any.

2. The responding Sheriff's Deputy shall prepare and submit the appropriate reports in regard to any criminal offenses, attempts or other incidents which contributed to the alarm notification as determined by investigation.

Sec. 1.13. System performance reviews and appeals.

1. If there is reason to believe that an alarm system is not being used or maintained in a manner that ensures proper operation and suppresses alarm notifications, the Sheriff may require a conference with an alarm permit holder to review circumstances of each alarm notification.

2. If there is belief that an alarm is the result of circumstances beyond the reasonable control of the permit holder, the permit holder or the permit holder's representative may request a conference with the Sheriff.

3. If the Sheriff determines that an alarm is the result of circumstances within the reasonable control of the permit holder, the permit holder or the permit holder's representative may request a conference with the Commissioners Court. The applicant or permit holder may appeal the decision of the Sheriff to the Commissioners Court by filing with the Commissioners Court Administrator a written request for a conference, within ten (10) days after the conference with the Sheriff. The filing of a request for an appeal hearing with the Commissioners Court Administrator stays an action of the Sheriff until the Commissioners Court makes a final decision. If a request for an appeal hearing is not made within the ten (10) days period, the action of the Sheriff is final. An appeal hearing under this subsection shall be subject to the procedures provided by subsection 1.05(2).

Sec. 1.14. Service fee.

1. Except as provided in subsections 2, 3, 4 and 5 of this section, the holder of an alarm permit or the user of an alarm system at an unpermitted site shall pay a service fee of seventy-five dollars (\$75.00) for each false alarm emitted from an alarm system that is in excess of five (5) alarms within any twelve-month period after the effective date of this regulation. More than nine false alarms within any twelve-month period after the effective date of this regulation shall be grounds for revocation of the permit authorized by this regulation.

2. If a person notifies the Sheriff and applies for an alarm permit before a new alarm system is put into service, no service fee will be assessed during the first thirty (30) days after the system is put into service, and alarm notifications during that period will not be counted in determining when a service fee will be assessed.

3. If the responding deputy sheriff determines that an alarm notification was caused by a criminal offense, attempted criminal offense, fire, or other emergency other than a report of a violation of this regulation, that notification will not be counted in determining when a service fee will be assessed.

4. An alarm notification will not be counted in determining when a service fee will be assessed if the permittee can prove that the alarm notification was the result of a severe weather condition, such as a tornado, hurricane or earthquake or other weather condition that causes physical damage to the alarm site, or the result of a malfunction in the operation of telephone lines for

the transmission of alarm signals, proof of the latter being documented in the form of telephone company work orders or time stamped records from the alarm company showing periods of interrupted service.

5. An alarm notification will not be counted in determining when a service fee will be assessed if more than thirty (30) minutes elapse between the time the Sheriff's Department's communications division receives the notification and the time a responding officer arrives at the location of the alarm notification.

Sec. 1.15. Criminal Penalty.

1. A person who violates this regulation commits an offense punishable as a Class C misdemeanor.