



March 1, 2006

Resident/Business of Plano,

SUBJECT: Changes in the City of Plano Alarm Ordinance

This notice is to inform you of changes in the City of Plano Alarm Ordinance. On February 27, 2006, the Plano City Council voted to make the following revisions to the Ordinance as a result of changes in state law. These changes will be effective May 1, 2006.

Pat Evans
Mayor

Scott Johnson
Mayor Pro Tem

Sally Magnuson
Deputy Mayor Pro Tem

Shep Stahel
Place 1

Loretta Ellerbe
Place 3

Harry LaRosiliere
Place 5

Jean Callison
Place 7

Thomas H. Muehlenbeck
City Manager

- A nonrefundable fee of fifty dollars \$50.00 per year is required for each commercial account or renewal of a commercial permit.
- It is the responsibility of the permit holder (commercial or residential) to pay the renewal fee no later than the expiration date stated on the renewal form. After 30 days notice, the permit will be deactivated if not renewed with the allowable time as described in Sec. 11-222 (d)(2).
- A permit that has been deactivated due to non-payment of fees will, prior to re-issuance of an alarm permit, be assessed a \$35.00 reinstatement fee in addition to the permit fee in Sec. 11-222 (d)(1).
- A permit holder who fails to give notice of intent not to renew a permit not later than thirty (30) days from the date of expiration, will, prior to re-issuance of an alarm permit, be assessed \$35.00 reinstatement fee in addition to the permit fee.
- A permit may be revoked or renewal denied for a period of one (1) year if an alarm system has eight (8) or more false alarms during the preceding 12 month period. The permit holder shall receive 30 days advance notice of any revocation or denial of renewal.
- The permit holder must notify the City of Plano Police Department Alarm Unit in writing of the date the permit is to be cancelled or that the permit will not be renewed. The notification must include the date the document was signed and signature of the permit holder. The city must receive the cancellation or non-renewal notice in writing no later than 30 days from the date of expiration.
- If the alarm system is monitored, the persons relaying alarm notifications must attempt to contact the occupant of the alarm system location twice (using two different phone numbers) before the city responds to the alarm signal.

Changes to the False Burglar Alarm fees:

Effective May 1, 2006, active permit holders will be given three (3) free False Burglar alarms. Any previous alarms (1-4 alarms) during the preceding 12 months will be cleared from the permit holder's record. However, any outstanding balances, previous billed, will be due and any penalties assessed will apply.

- False Burglar alarms fees will be assessed as follows:
A permit holder will be assessed a fee for the signaling of a false alarm by a burglar alarm system in excess of three (3) false alarms which have occurred during the previous twelve-month period. Fees assessed will be:
\$50 for the 4th and 5th alarm which have occurred during the previous twelve-month period.
\$75 for the 6th and 7th alarm which have occurred during the previous twelve-month period.
\$100 for 8 or more alarms which have occurred during the previous twelve-month period.

Please note: False Fire, False Robbery, False Emergency Assistance/Personal Distress and False Medical Assistance alarms have not been changed.

For a complete copy of the Alarm Ordinance contact the City Secretary's office. You may obtain blank residential/commercial applications from our website at www.planopolice.org. In the near future, residents/businesses will be able to update permit info, renew, transfer, cancel and pay false alarm invoices on the "On-Line" service.

Should you have any questions, please contact the Plano Police Department Alarm Unit at (972) 941-2426. For questions concerning false fire alarms contact the Fire Department at (972) 941-5261.

ORDINANCE NO. 2006-2-23

AN ORDINANCE OF THE CITY OF PLANO, TEXAS AMENDING ARTICLE VI. ALARM SYSTEMS OF CHAPTER 11 LICENSES AND BUSINESS REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF PLANO; PROVIDING A REPEALER CLAUSE, A SAVINGS CLAUSE; A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Texas Legislature has enacted new laws affecting alarm systems; and

WHEREAS, due to these new laws, the City Council deems it necessary to revise the City's alarm system ordinance.

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

Section I. Article VI, Alarm Systems of Chapter 11 Licenses and Business Regulations of the Code of Ordinances of the City of Plano is hereby amended to read in its entirety as follows:

"ARTICLE VI. ALARM SYSTEMS

Sec. 11-221. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alarm site means a location or premises served by an alarm system.

Alarm system means a device or system which transmits a signal which summons an emergency service of the city. The categories of alarm systems are robbery, burglary, fire, emergency medical assistance, and emergency assistance. "Alarm system" does not mean an alarm installed on a vehicle, unless used for a habitation at a permanent site, or an alarm designed to alert only the inhabitants within premises, but does include an alarm that emits an audible signal on the exterior of a structure.

Alarm systems company means any person or company that sells, installs, services, monitors, or responds to burglar alarm

signal devices, burglar alarms, television cameras, still cameras or any other electrical, mechanical, or electronic device used (a) to prevent or detect burglary, theft, shoplifting, pilferage, or other losses of that type; (b) to prevent or detect intrusion; or (c) primarily to detect and summon aid for other emergencies, and includes persons relaying alarm notifications.

Appeal hearing official means the city manager or his designee.

Burglar alarm notification means a notification which summons the police, which is initiated or triggered by an alarm system designed to respond to a stimulus characteristic of unauthorized intrusion.

Director means the chief of police or his authorized representative.

Emergency assistance alarm means any automatic notification system other than those defined herein which summons emergency assistance from the city.

Emergency medical assistance alarm notification means an alarm system which summons emergency medical assistance.

False burglar alarm notification means a burglar alarm notification to the police, when responding police officer reasonably finds there is no evidence of unauthorized intrusion or attempted unauthorized intrusion.

False emergency medical assistance alarm notification means an emergency medical assistance alarm notification to the fire department, when the responding fire department personnel reasonably find there is no evidence of need for emergency medical assistance.

False fire alarm notification means a fire alarm notification to the fire department, when the responding fire department personnel reasonably find there is no evidence of a fire having occurred.

False robbery alarm notification means a robbery alarm notification to the police, when the responding police officer reasonably finds there is no evidence of a robbery.

Fire alarm notification means a notification which is initiated or triggered by an alarm system designed to react to any of the visual or physical characteristics of fire.

Local alarm means an alarm system that emits a signal at an alarm site that is audible from the exterior of a structure.

Panel alarm means an alarm that is directly monitored by the public safety communications department.

Permitted site means a location that has an active permit and for which the permit owner information on file is current.

Robbery alarm notification is a notification when a robbery occurs by means of an alarm system designed to be purposely activated by an individual.

Sec. 11-222. Permit

(a) *Required.* A person commits an offense if he installs, operates or causes to be operated an alarm system without first obtaining a permit from the director. A separate permit is required for each alarm site.

(b) *Contents of application.* Each permit application must contain the name, address, and telephone number of the person who is responsible for the proper maintenance and operation of the alarm system and payment of fees or charges levied under this article. For an alarm permit for a non-residential premise, the permit application shall contain the names and phone numbers (home and business) of two (2) people that when notified by the police or fire department(s) will come to the alarm site within thirty (30) minutes, if requested, to terminate the alarm signal and secure the property. Application for a permit under the provisions of this article 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.

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

(d) *Fee; term; renewal, reinstatement.*

- (1) A nonrefundable fee of thirty-five dollars (\$35.00) per year is required for each residential permit or renewal of a residential permit. A nonrefundable fee of fifty dollars (\$50.00) per year is required for each commercial permit or renewal of a commercial permit. A permit is issued for one (1) year and must be renewed each year thereafter by payment of the permit fee. It is the responsibility of the permit holder to pay the renewal fee no later than the expiration date stated on the renewal form. If payment is not received within thirty (30) days of the expiration date, written notice of the expiration will be provided to permit holder. If payment is not received within thirty (30) days of receiving the written notice, the permit will be deactivated and the reactivation fee will be assessed as set out in (d)(2) of this section.
- (2) A permit that has been deactivated due to non-payment of fees will, prior to reissuance of an alarm permit, be assessed a thirty-five dollar (\$35.00) reinstatement fee in addition to the permit fee in subsection (d)(1) above.
- (3) A permit holder who fails to give notice of intent not to renew a permit no later than thirty (30) days from the date of expiration will, prior to reissuance of an alarm permit, be assessed a thirty-five dollar (\$35.00) reinstatement fee in addition to the permit fee in subsection (d)(1) above.
- (4) A permit may be revoked or renewal denied for a period of one (1) year if an alarm system has eight (8) or more false alarms during the preceding twelve (12) month period. The permit holder shall receive thirty (30) days advance notice of any revocation or denial of renewal.

(e) *Issuance.* Upon receipt of the required fee and completed application form, the director shall issue a permit unless there is reasonable cause to believe the equipment responsible for initiating an alarm will not be maintained or operated in accordance

with this article or the applicant will not comply with each provision of this article. Burglary/robbery panel alarms will be limited to financial institutions. Fire panel alarms will be limited to high-risk loss of life occupancies such as hotels, motels, hospitals, nursing homes, residential care facilities, educational uses, including day care centers and theaters.

(f) *Transferability; change of individual designated to respond.* An alarm permit cannot be transferred to another person. However, the individual designated to respond to an alarm or relay an alarm may be changed. A permit holder must inform the director of any change that alters information listed on the permit applications. No fee will be assessed for such changes.

(g) *Denial of issuance, suspension of permit.*

(1) *Written notification; right of appeal; hearing.* If the director denies the issuance of a permit, or suspends a permit, he shall send to the applicant or permit holder by certified mail, return receipt requested, written notice of his action setting forth the reason for such action and advising the applicant or permit holder of the right to an appeal. The applicant, or permit holder, may appeal the decision of the director to the appeal hearing official by filing with the appeal hearing official a written request for a hearing, setting forth his objections to the action of the director, within ten (10) days after receipt of the notice from the director. The filing of a request for an appeal hearing with the appeal hearing official shall stay the action of the director in denying the issuance of or suspending a permit until a final decision on the appeal is made by the appeal hearing official. If a request for an appeal hearing is not made within the ten (10) day limit, the action of the director is final.

(2) *Conduct of hearing; evidence; decision.* The appeal hearing official shall preside at any administrative hearing conducted under the provisions of this section and shall consider evidence offered by any interested person. The formal rules of evidence shall not apply at such hearing. The appeal hearing official shall make a decision on the basis of a fair preponderance of the evidence presented and matters officially

noticed at the hearing. The appeal hearing official shall render a decision within thirty (30) days after the request for an appeal hearing is filed. Such decision shall affirm, reverse, or modify the action of the director and the appeal hearing official's decision is final.

(h) *Penalty for operation without permit.* A person commits an offense if he operates any alarm system as defined in this article without having a valid permit in accordance with the provisions of this article and upon conviction thereof shall be punished as provided in section 1-4.

Sec. 11-223. Inspection of alarm site and system.

Upon reasonable notification, the police chief or his designee or fire chief or his designee may inspect an alarm site and alarm system of a permit holder during regular business hours.

Sec. 11-224. Responsibilities of permit holders.

- (a) *Generally.* A permit holder must:
 - (1) Adjust or modify the sensory mechanism of his alarm system 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;
 - e. 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. It is the responsibility of the alarm permit holder to properly maintain the alarm system to prevent false activations. Should a permit holder have more than two (2) activations within thirty (30) days, an inspection of the alarm system will be required by a licensed repairman. Notice must be made in writing to the police alarm coordinator from

the repairman of findings of the inspection within thirty (30) days. Failure to do so will result in cancellation of the alarm permit.

- (3) If permit holder or an emergency contact person is contacted to inspect an unsecured building or residence, and fails to respond to the scene in the allowed time of thirty (30) minutes to secure the building or residence, a fee of twenty-five dollars (\$25.00) will be charged to the operator if city representatives have to secure the premises. The city is not responsible for loss or damage. Failure of the operator to pay the assessed fee will result in cancellation of permit.
- (4) Notify the City of Plano Police Department Alarm Unit in writing of the date the permit is to be cancelled or that the permit will not be renewed. The notification must include the date the document was signed and signature of the permit holder. The city must receive the cancellation or non-renewal notice in writing no later than thirty (30) days from the date of expiration.

(b) *Automatic alarm notifications.* A permit holder whose alarm system transmits automatic alarm notifications, other than alarm notifications from financial institutions, directly to the city over the normal telephone system shall:

- (1) Transmit the alarm in the form and content specified by the city;
- (2) Transmit over telephone lines designated for such use;
- (3) Design his system so that it will notify the permit holder, or his designated agent identified on the permit application, when an alarm is transmitted to the city;
- (4) Reserved.
- (5) Furnish the name, address, and telephone number of a licensed alarm company responsible for correcting any malfunction that may occur.

(c) *Reporting alarm signals through relaying intermediary person.* A permit holder shall not report his alarm signals through a relaying intermediary person that does not meet the requirements of this article.

Section 11-225. Persons relaying alarm notifications.

(a) A person who is engaged in the business of relaying alarm notifications to the city shall:

- (1) Send notification of an alarm to the city by an individual;
- (2) Keep his business premises locked and secured at all times;
- (3) Allow an inspection of his business premises by authorized agents of the police chief or the fire chief at any time;
- (4) Report alarms only to a telephone number, or numbers, designated by the city;
- (5) Send alarm notifications to the city in a manner and form determined by the city;
- (6) Maintain sufficient staff to ensure that valid alarms are relayed immediately to the city;
- (7) Inform their customers of permit requirements;
- (8) Relay current permit numbers with all alarms; and
- (9) Attempt to contact the occupant of the alarm system location twice before the city responds to the alarm signal.

(b) An alarm system company may be assessed a service fee of twenty-five dollars (\$25.00) for each incorrect permit number relayed to the city with an alarm notification. Notification of any such assessment and appeal therefrom shall be as provided for in section 11-222(g) of this article. Any service fee assessed under the provisions of this section must be paid within thirty (30)

days after receipt of notice that it has been assessed by the director. If the assessed fees become ninety (90) days delinquent, a ten (10) percent late charge will be added.

Sec. 11-226. Local alarms

(a) A person in control of a local alarm must:

- (1) Adjust the mechanism so that an alarm signal will sound for no longer than twenty (20) minutes after being activated;
- (2) Display in a prominent exterior location an identification notice provided by the director; and
- (3) Come to the alarm site within thirty (30) minutes after receiving a request from a member of the police department or the fire department to do so and grant access to the site and deactivate the alarm if necessary.

(b) If a mechanism sounds an alarm signal for longer than thirty (30) minutes after notification is made, the chief of the police department, the chief of the fire department or their designated representatives are authorized to enter the building to disable the alarm. All costs of the city in disabling such an alarm shall be assessed to the operator of the alarm system and shall be paid to the city within thirty (30) days after the operator has received notice that the costs have been assessed. Application for a permit under the provisions of this article constitutes a grant of approval by the operator of the alarm system for the city to deactivate the local alarm system under the provisions of this subsection.

(c) A person in control of a local alarm system that causes an alarm notification to be sent directly to the city shall adjust or modify the mechanism so that upon activation the system will transmit only one (1) alarm signal and will not transmit another alarm signal without first being manually reset at the alarm site.

Sec. 11-227. False Alarms—Determination.

(a) The director shall not consider the alarm notification to be false if he determines that the alarm was caused by:

- (1) A natural or man-made catastrophe;
- (2) Severe weather that causes physical damage to the premises;
- (3) Vandalism;
- (4) Telephone line outage;
- (5) Attempted entry or attempted robbery; or
- (6) In high-risk loss of life occupancies such as hotels, motels, hospitals, nursing homes, residential care facilities, educational uses including day care centers, and theaters where a fire alarm was:
 1. Caused by undetermined means, or
 2. Caused by conditions not under control of the building management such as manual false alarms, or smoking.

(b) The determination of the director in classifying an alarm notification as false or actual is final.

Sec. 11-228. Same—Fees.

A permit holder must pay any service fees as assessed under the provisions of this section within thirty (30) days after receipt of notice that the director has assessed it. If the assessed fees become ninety (90) days delinquent, a ten (10) percent late charge will be added.

(a) *Burglar alarms.* A permit holder will be assessed a fee for the signaling of a false alarm by a burglar alarm system in excess of three (3) false alarms which have occurred during the previous twelve (12) month period. Fees assessed will be:

- (1) Fifty dollars (\$50.00), if the location has had more than three (3) but fewer than six (6) other false alarms which have occurred during the previous twelve (12) month period.

- (2) Seventy-five dollars (\$75.00), if the location has had more than five (5) but fewer than eight (8) other false alarms which have occurred during the previous twelve (12) month period.
- (3) One hundred dollars (\$100.00), if the location has had eight (8) or more other false alarms which have occurred during the previous twelve (12) month period.

(b) *Fire alarms.* A permit holder will be assessed a fee for the signaling of a false alarm by a fire alarm system in excess of two (2) false alarms which have occurred at the permitted site. This fee will be two hundred dollars (\$200.00) for each such false alarm.

(c) *Robbery alarms.* A permit holder will be assessed a fee for signaling of a false alarm by a robbery alarm system in excess of two (2) false alarms which have occurred at the permitted site. This fee will be two hundred dollars (\$200.00) for each such false alarm.

(d) *Medical assistance alarms.* A permit holder will be assessed a fee for the signaling of a false alarm by a medical assistance alarm system in excess of two (2) false alarms which have occurred at the permitted site. This fee will be seventy-five dollars (\$75.00) for each such false alarm.

(e) *Emergency assistance/personal distress alarms.* A permit holder will be assessed a fee for the signaling of a false alarm by an emergency assistance/personal distress alarm system in excess of two (2) false alarms which have occurred at the permitted site. This fee will be seventy-five dollars (\$75.00) for each such false alarm.

Sec. 11-229. Same—Grounds for suspension of or refusal to renew permit.

The director must suspend or refuse to renew an alarm system permit for failure to pay any service fee.

Secs. 11-330—11-245. Reserved”


Section II. All provisions of the Ordinances of the City of Plano, codified or uncodified, in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Plano, codified or uncodified, not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section III. The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provision of any Ordinances at the time of passage of this Ordinance.

Section IV. It is the intention of the City Council that this Ordinance, and every provision hereof, shall be considered severable, and the invalidity or unconstitutionality of any section, clause, provision or portion of this Ordinance shall not affect the validity or unconstitutionality of any other portion of this Ordinance.

Section V. This Ordinance shall become effective immediately upon its passage.

DULY PASSED AND APPROVED this the 27 day of February, 2006.



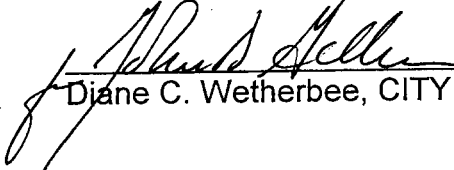
Pat Evans, MAYOR

ATTEST:



Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:



Diane C. Wetherbee, CITY ATTORNEY