

ARTICLE IV. - ALARM SYSTEMS*

Editor's note—

Section 1 of Ord. No. 76472, adopted Sep. 10, 1992, amended Art. IV to read as herein set out. Formerly, Art. IV consisted of §§ 25-56—25-72, which pertained to alarm systems and derived from § 1 of Ord. No. 66724, adopted Mar. 3, 1988.

Cross reference—Electricity, generally, § 10-1 et seq.

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Sec. 25-56. - Definitions.

For purposes of this article, the following definitions shall apply unless the context requires a different definition:

(a)

Alarm system means any mechanical or electrical device which is used to protect buildings or premises from criminal acts, unauthorized entries, and fires by warning persons of a fire, crime or unauthorized entry through the emission of a sound or the transmission of a signal or message. For purposes of this article, unless otherwise specifically noted, an alarm system shall not include:

(1)

An alarm installed on a vehicle unless the vehicle is permanently located at a site.

(2)

Alarm systems that monitor temperature, humidity, or any other condition not directly related to the detection of an unauthorized entry into a premises, attempted robbery at a premises, or a fire.

(3)

Proprietary alarm systems not designed or intended to alert law enforcement or fire agencies or others outside the protected building, structure, or facility, but which are designed solely to alert the inhabitants, security personnel, or others directly connected with or employed by the owner or operator of the protected building, structure or facility.

(4)

An alarm installed upon premises occupied by the United States Government, the State of Texas, the City of San Antonio, or Bexar County.

(b)

Alarm notification means a notification intended to summon the police or fire department, which is designed either to be initiated purposely by a person or by an alarm system that responds to a stimulus characteristic of unauthorized entry or fire, to include smoke and heat.

(c)

Alarm site means a single premises or location (one street address including apartment number, suite number, etc.) served by an alarm system or systems that are under the control of one owner.

(d)

Answering service means a telephone answering business providing among its services receiving, on a continuous basis through trained employees, emergency signals from alarm systems, and thereafter immediately relaying the message by live voice to the communication center of the police or fire department.

- (e) *Applicant* means the person, individual, corporation, partnership, association, organization or similar entity, who is applying to be permit holder.
- (f) *Automatic alarm notification* means an alarm notification sent over telephone lines, by direct connection or otherwise, including a prerecorded voice message, synthesized voice message, or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect.
- (g) *Automatic dialing device* means an alarm system which automatically sends over regular telephones lines, by direct connection or otherwise, a prerecorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect.
- (h) *Central station* means a system or group of systems operated for its customers by any person, in which the operations of electrical protection circuits and devices are transmitted to, recorded in, maintained and supervised from a central location having trained operators and/or trained service technician or guards in attendance or on call at all times that have the duty to take appropriate action upon receipt of a signal or message, including the relaying of messages by live voice to the communications center of the police and fire departments.
- (i) *Chief* means the chief of police or fire department of the city or his designated representative.
- (j) *False alarm notification* means an alarm notification to the police or fire departments, for which the responding officer or firefighter finds no evidence of criminal activity or fire, smoke or heat for which the alarm system was designed to give notice.
- (k) *Interconnect* means to connect an alarm system to a voice-grade telephone line, either directly or through a mechanical device that utilizes a standard telephone, for the purpose of using the telephone line to transmit an emergency message upon the activation of the alarm system.
- (l) *Local alarm* means an alarm system that emits a signal at an alarm site that is audible or visible from the exterior of a structure.
- (m) *Modified central station* means an office to which remote alarm and supervisory signaling devices are connected, where operators supervise the circuits.
- (n) *Permit holder* means the person designated in the application as required in section 25-57 who will be responsible for the proper maintenance and operation of the alarm system and payment of the fees assessed under this article.
- (o) *Person* means an individual, corporation, partnership, association, organization or similar entity.
- (p) *Primary trunkline* means a telephone line leading directly into the communication center of the police or fire departments that is for the purpose of handling emergency calls on a person-to-person basis, and which is identified as such by a specific number included among the emergency numbers listed in the telephone directory issued by the telephone company.
- (q) *Special trunkline* means a telephone line leading into the communication center of the police or fire department which has as its primary purpose the handling of emergency signals or messages originating either directly or through a central location from automatic dialing devices.
- (r) *Unauthorized entry* means entry of any type, whether intentional or accidental, not authorized by the owner.

(Ord. No. 76472, § 1, 9-10-92)

Sec. 25-57. - Permit required; fee; application; transferability; false statements.

- (a) No person shall operate or cause to be operated an alarm system without an alarm permit issued by the chief. A separate permit is required for each fire or burglary alarm system on each alarm site.
- (b) A fee of forty-five dollars (\$40.00) shall be charged for the issuance and renewal of each permit issued for a residential alarm site; however, a fee of thirty-five dollars (\$35.00) shall be charged for the issuance and renewal of each permit issued for a residential alarm site to a person sixty-five (65) years or older who is eligible for a homestead exemption. A fee of one hundred dollars (\$100.00) shall be charged for the issuance and renewal of each permit issued for a commercial alarm site.
- (c)

Upon receipt of a completed application form and the required fee, the chief shall issue an alarm permit to an applicant unless the applicant has failed to pay a service fee assessed under section 25-66 or has had an alarm permit revoked at this or any other alarm site, and the violation causing the revocation has not been corrected.

(d)

Each alarm permit application must contain the following information:

(1)

Name, address, and telephone number of the permit holder and/or individual who will be responsible for the proper maintenance and operation of the alarm system and payment of fees assessed under this chapter;

(2)

Classification of the alarm site as either residential or commercial;

(3)

The purpose of each alarm system located at the alarm site, i.e., burglary, robbery, personal hostage, or fire;

(4)

The street address of the alarm site on which the alarm system is to be installed and operated; if the alarm site is an apartment, includes the building number and apartment number, if applicable;

(5)

Any business name, if any used for the premises on which the alarm system is to be installed and operated;

(6)

The name of the person or licensed alarm system company who will install and/or maintain the alarm system; and

(7)

The names and telephone numbers of two (2) persons who are able to and have agreed:

(i)

To receive notification at any time;

(ii)

To come to the alarm site within one and one-half (1½) hours after receiving a request from a member of the police or fire department to do so; and

(iii)

To grant access to the alarm site and to deactivate the alarm system if such becomes necessary.

(8)

Other information required by the chief which is necessary for the enforcement of this chapter.

(e)

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.

(f)

An alarm permit cannot be transferred to another alarm system except by authorization of the chief. A permit holder shall inform the chief of any permitted changes to the information listed on the permit application within two (2) business days. No fee will be assessed for such changes.

(g)

A permit holder shall cancel an alarm 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 alarm permit to the chief or his designated representative.

(h)

All fees owed by an applicant must be paid before an alarm permit may be issued or renewed.

(i)

The police and fire departments shall protect all information on an application as confidential information, provided, however, nothing in this article shall prohibit the use of such information for legitimate law and fire code enforcement purposes and for enforcement of this article.

(j)

Persons operating a newly activated or reactivated alarm system must notify the police department alarm unit (or after normal business hours, the police dispatcher's office) within twelve (12) hours after commencing operation of the address of the alarm site, the name and the address of the operator, and of any contact persons. Persons who give such notification are exempt from the permit requirement for a period not to exceed four (4) calendar days.

(k)

The residence owner shall be charged an unpermitted alarm fee in the amount of seventy-five dollars (\$75.00) for each false burglary alarm call where the residence does not have a valid alarm permit. The business owner shall be charged an unpermitted alarm fee in the amount of one hundred and twenty-five dollars (\$125.00) for each false burglary alarm call where the business does not have a valid alarm permit. The residence or business owner shall be charged an unpermitted alarm fee in the amount of one hundred and twenty-five dollars (\$125.00) for each false fire alarm call where the residence or business does not have a valid alarm permit.

(Ord. No. 76472, § 1, 9-10-92; Ord. No. 86614, § 1, 9-11-97; Ord. No. 87450, § 1, 2-26-98; Ord. No. 98190, § 3, 9-18-03; Ord. No. 2006-09-07-1000, § 3, 9-7-06; Ord. No. 2006-09-07-1008, § 3, 9-7-06; Ord. No. 2008-09-11-0777F, §§ 1, 2, 9-11-08; Ord. No. 2009-09-17-0731K, § 4, 9-17-09)

Sec. 25-58. - Permit duration; renewal and inspection.

An alarm permit is issued for one (1) year and must be renewed every year upon submission of an updated application. It is the responsibility of the permit holder to submit an application prior to the permit expiration date. The chief shall determine the first expiration date of a permit. 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 the request of any member of the police or fire department or their designated representative. A permit shall not be renewed if the applicant owes outstanding service fees at other alarm sites for which he is the permit holder.

(Ord. No. 76472, § 1, 9-10-92; Ord. No. 96408, § 3, 9-19-02)

Sec. 25-59. - Duties of permit holder.

(a)

A permit holder shall:

(1)

Maintain the premises containing an alarm system in a manner that insures proper operation of the alarm system;

(2)

Maintain the alarm system in a manner that will minimize false alarm notifications;

(3)

Respond or cause a representative to respond within one and one-half (1½) hours when requested by the city to repair or deactivate a malfunctioning alarm system, to provide access to the premises or to provide security for the premises;

(4)

Not manually activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report;

(5)

Notify the police or fire department dispatcher, central station or modified center station dispatcher prior to activation of an alarm for maintenance purposes; and

(6)

Maintain at each alarm site, a complete set of written operating instructions for each alarm system, except that special codes, combinations, or passwords may be excluded in these instructions.

(b)

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 twenty (20) minutes after being activated, except when prohibited by fire code.

(c)

Whenever a person listed on the application or listed on an amendment to the application is unable or unwilling to perform the duties set out in section 25-57(d)(7) the permit holder shall within two (2) business days file an amendment to the permit application listing a person who is able and will perform those duties so that at all times the application on file with the police or fire department designates at least two (2) persons who are able and willing to perform such duties.

(Ord. No. 76472, § 1, 9-10-92)

Sec. 25-60. - Alarm reset required.

Any person who is notified by any member of the police or fire department of the activation of an alarm system (and who is able to give access to the alarm site) shall come to the alarm site within one and one-half (1½) hours of the time such person is notified of such activation and shall provide the police or fire department any necessary access or assistance.

(Ord. No. 76472, § 1, 9-10-92)

Sec. 25-61. - Reserved.

Sec. 25-62. - Indirect alarm reporting.

(a)

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

(1)

Communicate alarm notifications to the city in a manner and form determined by the chief.

(2)

Comply with the requirements of this chapter and any rules and regulations promulgated by the chief.

(Ord. No. 76472, § 1, 9-10-92)

Sec. 25-63. - Automatic dialing systems; standards.

(a)

An alarm system, other than an alarm system in a local, state or federal governmental entity or a financial institution, which transmits automatic alarm notifications directly to the communications center of the police and fire departments shall be prohibited. No automatic dialing device shall be keyed or interconnected to a primary trunkline (or the 911 emergency number). Automatic dialing devices designed to transmit signals directly to the police or fire department may be interconnected to a special trunkline into the department as designated by the chief for that purpose. Before such a device is interconnected to a special trunkline as herein provided, the person performing such interconnection shall first obtain instructions from the chief concerning the procedure to be followed. The chief shall designate the telephone number to be used for this purpose.

(b)

Automatic dialing devices installed on any premises within the city which are interconnected to a special trunkline transmitting signals into the police or fire department that will be responded to by members of the police or fire department shall meet the following minimum standards:

(1)

The content of the type of recorded message to be transmitted by such device must be intelligible and in a format approved by the chief or his designated agent as appropriate for the nature of the alarm.

(2)

No recorded message shall be delivered to the police or fire department more than three (3) times as the result of a single stimulus of the sensory mechanism.

(3)

The length of time for transmitting the recorded message must not exceed fifteen (15) seconds.

(4)

The time gap between delivery of each recorded message must be in the range from ten (10) to twelve (12) seconds.

(5)

The sensory mechanism used in connection with such devices must be adjusted to suppress false alarm notifications so that the devices will not be actuated by impulses due to transient pressure changes in water pipes, fire alarm systems, short flashes of light, wind noise such as the rattling or vibration of the doors or windows, vehicular noise adjacent to the installation, or other forces unrelated to genuine alarms.

(6)

All components comprising such a device must be maintained by the owner or lessee in good repair to ensure reliability of operation.

(c)

Every person who has interconnected any automatic dialing device in the city to a special trunkline in the communication center of the police or fire department shall provide a current list of such installations to the chief or his designated agent. The list shall include:

(1)

The name, home address and telephone number of the owner or lessee of the device.

(2)

The address of the location where the device is installed and the telephone number at such location.

(3)

The name and telephone number of at least two (2) other persons who can be reached at any time and who are authorized to respond to any emergency signal transmitted by the automatic dialing device, and who can grant access to the premises wherein the device is installed and to deactivate the alarm system if such becomes necessary.

The information required to be provided herein shall be available only to the chief or his designated agent for use in the course of his official duties. Such information shall be used only in connection with official law or fire code enforcement matters.

(d)

Any person who sells or installs automatic dialing devices shall give written notice to the purchaser or customer that interconnection of the device to a special trunkline into the police and fire departments is subject to the terms of this article. This requirement shall be deemed to be complied with if a copy of this article is provided to such purchaser or customer.

(e)

Persons owning or leasing an automatic dialing device may have the device interconnected to a telephone line transmitting directly to:

(1)

A central station;

(2)

A modified central station;

(3)

An answering service.

The relaying of messages by intermediate services to the police or fire department shall be over a special trunkline, except that central stations may relay messages over a direct line.

(Ord. No. 76472, § 1, 9-10-92)

Sec. 25-64. - Alarm dispatch records.

- (a) The police or fire dispatcher receiving the alarm notification and/or the police officer or firefighter responding to a dispatch resulting from a fire, burglary, robbery, or personal hostage alarm notification shall whenever possible cause to be recorded in the police or fire information systems such information as necessary to permit the chief to maintain records, including but not limited to the following information:
- (1) Identification of the permit holder;
 - (2) Identification of the alarm site;
 - (3) Dispatcher received time, dispatch time and time firefighter or police officer arrived at scene time;
 - (4) Date of occurrence;
 - (5) Name of permit holder's representative on premises, if any.
- (b) The responding police officer or firefighter 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.
- (c) The responding police officer should, if possible, leave a written notification at the alarm site advising of the false alarm notification, the date and time of the police response.
- (d) The police alarm unit will notify by phone or mail the alarm permit holder or the licensed alarm system company upon the occurrence of a fourth false alarm notification during any twelve-month period at any single alarm site.

(Ord. No. 76472, § 1, 9-10-92; Ord. No. 87450, §§ 2, 3, 2-26-98)

Sec. 25-65. - System performance reviews and consultations.

If there is reason to believe that an alarm system is not being used or maintained in a manner that insures proper operation and suppresses false alarms, the chief may require a conference with the alarm permit holder to review circumstances of each false alarm.

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 chief.

(Ord. No. 76472, § 1, 9-10-92)

Sec. 25-66. - Service fee.

- (a) Except as provided in subsections (b), (c) and (d), the holder of an alarm permit shall pay a service fee of fifty dollars (\$50.00) for the fourth and fifth false burglary alarm notification emitted from such alarm system in the preceding 12-month period, seventy-five dollars (\$75.00) for the sixth and seventh false burglary alarm notification emitted in the preceding 12-month period, and one hundred dollars (\$100.00) for each false burglary alarm notification emitted in excess of seven (7) in the preceding 12-month period; two hundred dollars (\$200.00) for the second false robbery or false manually activated emergency assistance alarm notification emitted from such alarm system in the preceding 12-month period, three hundred dollars (\$300.00) for the third false robbery or false manually activated emergency assistance alarm notification emitted from such alarm system in the preceding 12-month period, four hundred dollars (\$400.00) for the fourth false robbery or false manually activated emergency assistance alarm notification emitted from such alarm system in the preceding 12-month period, five hundred dollars (\$500.00) for the fifth and each subsequent false robbery or false manually activated emergency assistance alarm notification emitted from such alarm system in the preceding 12-month period; and fifty dollars (\$50.00) for the fourth false fire, smoke, or heat alarm notification emitted from such alarm system within the preceding 12-month period and one hundred dollars (\$100.00) for each emitted in excess of four (4) in the preceding 12-month period.
- (b) If a person notifies the chief and applies for an alarm permit before a new alarm system is put into service, no service fee will be assessed during the first sixty (60) 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.
- (c) If the responding police officer or firefighter determines that an alarm notification was caused by unauthorized entry, attempted unauthorized entry, robbery, attempted robbery, an attempt to take a person hostage, or fire-related causes that notification will not be counted in determining when a service fee will be assessed.

(d)

If the total number of burglar alarm calls received by the police dispatcher's office exceeds .65 percent of the total number of permitted burglar alarm systems during any twenty-four-hour period, those burglar alarm notifications will not be counted by the alarm unit as a false alarm notification for any alarm permit holder (residential or commercial) in the city.

(Ord. No. 76472, § 1, 9-10-92; Ord. No. 86614, § 2, 9-11-97; Ord. No. 87450, § 4, 2-26-98; Ord. No. 2006-09-07-1000, § 4, 9-7-06; Ord. No. 2006-09-07-1008, § 4, 9-7-06; Ord. No. 2008-09-11-0777F, § 3, 9-11-08; Ord. No. 2009-09-17-0731K, § 5, 9-17-09)

Sec. 25-67. - Revocation of permit.

(a)

The chief shall revoke an alarm permit if he determines that:

(1)

There is a false statement of a material matter in the application for a permit;

(2)

The permit holder has violated sections 25-57, 25-58, 25-59, 25-60, and 25-62;

(3)

The permit holder has failed to make payment of a service fee assessed under section 25-66 within thirty (30) days of receiving written notice to do so; or

(4)

A permit for an alarm may be revoked if mechanical malfunction or faulty equipment has caused ten (10) or more false alarms notifications by such alarm system in a twelve-month period. "Mechanical malfunction" and "faulty equipment" shall not relate, for purposes of this section, false alarms caused by human error or an act of God.

(b)

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

(c)

The chief shall provide at least thirty (30) days' notice to the permittee prior to revocation.

(Ord. No. 76472, § 1, 9-10-92; Ord. No. 86614, § 4, 9-11-97; Ord. No. 87450, § 6, 2-26-98)

Sec. 25-68. - Appeal from service fee, denial or revocation of permit.

(a)

Any permit holder assessed a service fee under section 25-66(a) may appeal the decision of the chief to the city manager within ten (10) days of receipt of notice of assessment of such service fee and in the same manner for other appeals as provided for herein.

(b)

If the chief 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 appeal such action, such notice to include:

(1)

The specific dates on which there have been false alarms notification from such alarm system which were caused by mechanical malfunction or faulty equipment, if revocation is based upon item(a)(4) of section 25-67;

(2)

The amount of any fees assessed under section 25-67 that are due and owing and the date such fees were incurred, if revocation is based on item (a)(3) of section 25-67;

(3)

That a hearing may be held before the city manager or his designated representative to determine whether the permit for such alarm system should remain revoked or be reinstated; and

(4)

That the permit holder may appear in person and/or be represented by counsel, may present testimony and may cross-examine all witnesses.

(c)

The applicant or permit holder may appeal the decision of the chief to the city manager by filing with the city manager a written request for a hearing, setting forth the reasons for the appeal, within ten (10) days after receipt of the notice from the chief. The filing of a request for an appeal hearing with the city manager stays an action of the chief in revoking a permit until the city manager or his designated representative makes a final decision. If a request for an appeal hearing is not made within the ten-day period, the action of the chief is final.

(d)

The city manager or his designated representative 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 city manager or his representative 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 his 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 chief. The decision of the hearing officer is final as to administrative remedies with the city.

(Ord. No. 76472, § 1, 9-10-92)

Sec. 25-69. - Subsequent inspections and issuance of a new permit.

(a)

If a permit for an alarm system has been revoked under section 25-67(a)(4), the person in control of the alarm site on which the alarm system is located must request that an inspection be made of the alarm system prior to any new permit being issued. Such inspection shall be made by the San Antonio Police or Fire Department representative as soon as possible after receiving the request, but in any event not later than ten (10) regular working days after the person has made the request. If upon such inspection it is found that the alarm system is in proper working order, the person in control of the alarm site may apply for a new permit for such alarm system. A fee of forty dollars (\$40.00) will be assessed for this inspection payable in advance.

(b)

Reserved.

(Ord. No. 76472, § 1, 3-3-88)

Sec. 25-70. - Violations; penalty; corporations, partnerships and associations.

(a)

A person commits an offense if he violates by commission or omission any provision of this chapter that imposes upon him a duty or responsibility.

(b)

In addition to prohibiting or requiring certain conduct of individuals, it is the intent of this chapter to hold a corporation, partnership or other association criminally responsible for acts or omissions performed by an agent acting in behalf of the corporation, partnership or other association, and within the scope of his employment.

(c)

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provision of this article shall be fined not more than two hundred dollars (\$200.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

(d)

Any person who operates an alarm system without a valid permit (unless excepted by subsection 25-57(a)) shall be issued a notice pursuant to section 25-5 of this Code or a summons upon the filing of a complaint, and upon conviction shall be assessed a fine not less than three hundred dollars (\$300.00) nor more than five hundred dollars (\$500.00) for each separate offense. It shall be an affirmative defense to a violation of this subsection that the resident, tenant, or person responsible for the proper maintenance and operation of the alarm system had not received notice either by the police department as provided in subsection 25-64(c) or an alarm system company of the permit required by subsection 25-57(a). Notice is presumed to have been received if during the twelve-month period prior to the date of the violation, one (1) or more police responses had been made to the alarm site by the police department.

(Ord. No. 76472, § 1, 9-10-92; Ord. No. 87450, § 5, 2-26-98)

Sec. 25-71. - Exemptions implementation of chapter.

Local, state or federal government entities that operate alarm systems shall be required to obtain an alarm permit. Fees for permits and excessive false alarms shall be waived for these entities.

(Ord. No. 76472, § 1, 9-10-92)

Sec. 25-72. - Disclaimer.

The City of San Antonio shall not be under any duty or obligation to any person by reason of this article and specifically disclaims liability for any damages which may be caused by the failure of any department of the city to monitor and/or respond to an alarm notification transmitted by any means or for any damage as a result of any unreasonable delay in response to such alarm notification.

(Ord. No. 76472, § 1, 9-10-92)

Secs. 25-73—25-80. - Reserved.

