

FORT BEND COUNTY



**REGULATION OF ALARM SYSTEMS
AS AUTHORIZED BY
TEXAS LOCAL GOVERNMENT CODE 233.092
AND ADMINISTERED BY THE
FORT BEND COUNTY SHERIFF'S OFFICE**

ADOPTED December 13, 2011

SECTION I
CONSTRUCTION/DEFINITIONS

1.01 Construction

- A. Words in the singular number include the plural, and in the plural include the singular; and
- B. Words of the masculine gender include the feminine and neuter gender may refer to any gender.

1.02 Definitions- The following word, terms and phrases, when used in these Regulations, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- A. Alarm Detail. The administrative unit of the Fort Bend County Sheriff's Office designated and authorized by the Sheriff to administer these Regulations.
- B. Alarm Site. The specific property or area of the premises on or within which an alarm system is installed or placed.
- C. Alarm System. A device or series of devices, including but not limited to: systems interconnected with a radio frequency method such as cellular or private radio signals which emit or transmit a remote or local audible, visual or electronic signal indicating an alarm condition and intended to summon law enforcement service of the County, including a Local Alarm System.
- D. Alarm System Business. Any person who sells, installs, services, monitors, or responds to alarm systems as a livelihood.
- E. Applicant. The person, or an agent or employee acting on behalf of such person, for whom a permit is sought.
- F. Burglar Alarm. Any alarm system intended to prevent or detect an unauthorized entry or attempt thereof into the alarm site.
- G. Disconnect. To render an alarm system disabled.
- H. False Alarm. An alarm signal received by the Fort Bend County Sheriff's Office that is later determined not to involve a criminal offense, attempted criminal offense, or other emergency of the kind for which the alarm system was designed to give notice, or as may be further defined by Chapter 237 of the Texas Local Government Code, as amended.
- I. Local Alarm. Any alarm system that annunciates the alarm only by an internal or external audio device.
- J. Panic Alarm. Any alarm system which when activated by human action gives notification of, or summons a law enforcement agency for, any life-threatening reason(s).
- K. Permit. A certificate of authorization issued to an Applicant authorizing operation of the alarm system for an alarm site which the permit is issued.
- L. Permit Holder. The person to whom an alarm system permit is issued.
- M. Person. Includes an individual or an organization.
- N. Sheriff. The Sheriff of Fort Bend County, his deputies and/or any employee(s) of the Sheriff's Office assigned by the Sheriff (or his designate) to perform the duties prescribed by these Regulations.
- O. Sheriff's Office. The Fort Bend County Sheriff's Office, an elected office of Fort Bend County.

- P. Variable Tone Audible Device. Means any audible device capable of emitting sound that is similar to an emergency vehicle siren or civil defense warning system. It shall not include an audible device that emits a steady-tone and/or a steady-tone which turns on and off, or a bell.
- Q. Thirty-minute shutoff. An automatic device associated with a local alarm system which automatically causes the audible and/or visual indication of the local alarm to shut off and discontinue the emission of a signal after a period not to exceed thirty (30) minutes of continuous operation.

SECTION II.
REQUIREMENT FOR PERMIT; EXCEPTIONS

- 2.01 No person shall operate, cause to be operated, or allow the operation of an alarm system without first obtaining a valid permit issued by the Alarm Detail except as provided in section 2.03, or as otherwise allowed by law.
- 2.02 Any person who operates, cause to be operated, or allows the operation of an alarm system without a valid permit shall be subject to criminal prosecution and imposition of fines, response fees and other costs as may be determined by a court of proper jurisdiction.
- 2.03 An alarm permit is not required for:
 - A. An alarm system business which monitors and services an alarm system(s) installed and designed to protect property belonging to a person other than the alarm system business; or
 - B. An emergency response systems managed by health care facilities licensed by Texas Department of Health; or
 - C. Alarm systems installed on a motor vehicle or
 - D. Alarm systems installed on premises occupied by the United States, this state or county;
 - E. Premises located in an incorporated area within the county that provides their own 24 hour police services; or
 - F. A Local Alarm System (or other unmonitored alarm system):
 - 1. Unless or until the Alarm Detail determines that a false alarm has occurred on the premises.
 - 2. After the first false alarm, an alarm permit will be required for a Local Alarm System.
- 2.04 When Applicant tenders a completed application, it will be considered timely filed subject to these Regulations on the date the Applicant either files a completed application in person or the postmark date when a completed application is deposited in the U.S. Postal Service.
- 2.05 The issuance of a permit authorizing the use of an alarm system is not intended to nor shall it create a contract, either express or implied, creating a duty or guarantee of response from the Sheriff, the Fort Bend County Sheriff's Office, Fort Bend County, or any other agency of Fort Bend County. **ANY AND ALL LIABILITY AND CONSEQUENTIAL DAMAGE RESULTING FROM THE FAILURE TO RESPOND TO A NOTIFICATION IS HEREBY DISCLAIMED.** By registering an Alarm System, the Permit Holder acknowledges and agrees that law enforcement response may be based on many factors such as availability of units, priority of calls, weather conditions, traffic condition, emergency conditions and staffing levels.

SECTION III.
APPLICATION FOR PERMIT; REQUIREMENTS

- 3.01 Application for a permit authorizing the operation of an alarm system shall be made by a person who owns, leases, uses, resides at, or manages the property upon which the alarm system is installed. Such application shall be made in writing to the Alarm Detail on a form designated for that purpose. The application must include:
- A. The name, address, telephone number(s), and Texas driver's license or D.P.S. identification number (if applicable) of the permit Applicant or intended Permit Holder;
 - B. The street address of the property on which the alarm system is to be installed and operated, including the specific suite or apartment number(s) if applicable;
 - C. The mailing address of the Permit Holder, if different from the Alarm site;
 - D. Any business or assumed name used for the premises on which the alarm system is to be installed and operated;
 - E. The name of the alarm system business that has installed or will install the alarm system, and the number of the current license issued to such business by the Texas Board of Private Investigators and Private Security Agencies;
 - F. The name and local telephone number of, and the number of the current Texas Board of Private Investigators and Private Security Agencies license issued to, an alarm system business which is able and has agreed to receive calls at any time and to give County law enforcement officials the names of persons listed with that business, if different from the installer identified in Section 3.01 E;
 - G. A description of any dangerous or special conditions at the Alarm Site;
 - H. The names and local telephone numbers of two (2) persons which are able to and have agreed to:
 - 1. Receive notification at anytime;
 - 2. Come to the alarm site within one (1) hour after receiving a request from a County law enforcement official to do so, or immediately upon the receipt of the request from the County law enforcement official, advise the official when the estimated time the Permit Holder will arrive at the alarm site and
 - 3. Grant access to the alarm site and deactivate the alarm system if necessary.
- 3.02 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 Sections 9 and 11 hereof, the Permit Holder shall file an amendment in writing to the permit application listing a person or company who is able and will perform those duties so that at all times the application on file with the Alarm Detail designates at least two (2) persons or an alarm system business who are able and willing to perform such duties.
- 3.03 By signing the application, the Applicant acknowledges that he has read the application, and affirms that the information provided is accurate. If the Applicant will not be the Permit Holder, the Applicant shall certify that he is authorized to act for the intended Permit Holder.
- 3.04 The application shall state the conditions for revocation of the permit, identify the response fees, and refer the Applicant to the Regulations Governing the Regulation of Alarm Systems within Fort Bend County.

SECTION IV.
ISSUANCE AND DENIAL OF PERMITS

- 4.01 Upon receipt of a completed Application, the Alarm Detail shall issue a permit unless the Alarm Detail finds, that:
- A. Any statement made in the application was incomplete, misleading or false;
 - B. The Applicant or the intended Permit Holder has not paid all outstanding fines, or costs previously imposed by a justice court as a consequence of any violation of these Regulations;
 - C. The alarm site was previously non-permitted while under the control of the Applicant;
 - D. The Applicant has unpaid fees, fines or other charges owing to Fort Bend County; or
 - E. Application is not signed.
- 4.02 If the Alarm Detail denies the application for a permit, he shall mail notice of denial to the Applicant or intended Permit Holder at the address set out in the application. The notice shall state the reasons for the denial and shall inform the Applicant or intended Permit Holder that he may reapply for a permit upon resolution or correction of the condition(s) that caused such denial. A copy of the denial letter will be kept on file with the Alarm Detail.

SECTION V.
TERM OF PERMIT; RENEWAL

- 5.01 An alarm permit is issued for one (1) year period and must be renewed every year upon submission of an updated application and payment of the required permit fee. It is the responsibility of the Permit Holder to submit an application and the required fee prior to the permit expiration date.
- 5.02 If the Permit Holder relinquishes control of the alarm site before the expiration date, the Permit Holder shall send written notification to the Alarm Detail stating the effective date of relinquishment.

SECTION VI.
PERMIT FEES

- 6.01 The below fees shall be paid for permits issued or renewed by the Sheriff's Office (commercial or residential):
- A. New permit fees are \$35.00
 - B. Renewal fee for \$10.00
- 6.02 A permit shall not be eligible to pay a renewal fee if the most recently issued permit has expired. A new permit shall be required which will require payment of the new permit fee described in Section 6.01 A.

SECTION VII.
PERMITS NONTRANSFERABLE

Each permit issued shall be valid only for the alarm site identified in Section 3.01 and is not transferable to another person or other alarm site. A new permit must be obtained even if the Permit Holder transfers ownership or leasehold rights to the alarm site.

SECTION VIII.
PERMITS TO BE KEPT AT ALARM SITE

- 8.01 A copy of the permit shall be kept at the alarm site and shall produce for inspection upon the request of any County law enforcement official.
- 8.02 It is a defense to the prosecution under this sub-chapter in the event any person failed to produce a valid permit for inspection, if at the time of the request there was a valid permit and the Permit Holder used reasonable diligence in attempting to locate the valid permit at the time of inspection.

SECTION IX.
DUTIES OF PERMIT HOLDER

- 9.01 The Permit Holder shall ensure that he and any person listed with the Alarm Detail under Section 3.01 is able to:
- A. Receive notification at any time;
 - B. Come to the alarm site within one (1) hour after receiving a request from a County law enforcement official to do so, or immediately upon the receipt of the request from the County law enforcement official, advise the official when the estimated time the Permit Holder will arrive at the alarm site; and,
 - C. Grant access to the alarm site and deactivate the alarm system if necessary.
- 9.02 The Permit Holder shall ensure that all persons authorized to activate or deactivate the alarm system are trained in the proper operation of the alarm system.
- 9.03 The Permit Holder is responsible for all fines, fees, or costs associated with the permit and operation of the alarm system.
- 9.04 The Permit Holder shall send written notification to the Alarm Detail of any changes to the current permit including phone number and/or alarm company changes.

SECTION X.
REPAIR OF ALARM SYSTEM; DEACTIVATION

- 10.01 Upon receipt of notification from the Alarm Detail that an alarm system has malfunctioned and has caused more than three (3), false alarms in a one-year period, the Permit Holder shall have such system repaired within seventy-two (72) hours, and then provide satisfactory evidence that the system has been repaired; or,
- 10.02 The Permit Holder may cause such system to be deactivated rather than having the system repaired. In such event, the system shall not be reactivated until it has been repaired and the Alarm Detail has been provided satisfactory evidence reflecting same.

SECTION XI.
DUTY TO PROVIDE ACCESS AND ASSISTANCE

Upon receipt of notification from a County law enforcement official that an alarm system has been activated, any person who has been designated by the Permit Holder to do so, shall come to such site within one (1) hour after receiving a request from a County law enforcement official to do so, or immediately upon receipt of the request from the County law enforcement official, advise the official when the estimated time the Permit Holder will arrive at the alarm site in order to provide any necessary access or assistance.

SECTION XII.
REQUIREMENTS FOR OPERATION OF ALARM SYSTEMS; PROHIBITIONS

12.01 No person shall operate, cause to be operated, or permit to be operated any alarm system unless the following requirements are met:

- A. Any alarm system which may be activated as a result of different types of emergency situations shall give a unique alarm signal, if so equipped, that is to designate activation as a result of a hold-up, a burglary, or any other type of emergency situation so that the proper notification and proper response can be made;
- B. Any alarm system designed to emit an audible signal to be heard from the exterior of the alarm site, located 500 feet of a public roadway, shall have a thirty (30) minute shutoff from the time of activation and must not sound similar to that of a variable tone audible device.
- C. No hold-up alarm shall include a money clip, pressure pad, or similar device which can cause activation inadvertently; and any hold-up alarm shall be designed so that it may be activated only by intentional and deliberate human action;
- D. No person shall use or permit the use of any telephone device or telephone attachment which automatically selects any telephone line or number assigned to any governmental agency of Fort Bend County, Texas and then transmits a prerecorded message or signal;
- E. No person shall use or permit the use of any alarm permit which gives enforcement agency by any means other than live human voice; and,

12.02 The Sheriff may set reasonable standards and procedures to be followed by an alarm system business when giving notice to a law enforcement agency of activation of an alarm system. Such standards and procedures shall be set out in writing and made available to any person requesting same for a reasonable reproduction fee as authorized by State law

SECTION XIII.
RESPONSIBILITY OF ALARM SYSTEM BUSINESS TO FURNISH INFORMATION ABOUT EACH ALARM SYSTEM INSTALLATION.

13.01 Any alarm system business which installs or which has previously installed an alarm system within the unincorporated portions of Fort Bend County shall provide to the Alarm Detail the following information in a format acceptable to such Detail:

- A. The name, business name (if any), and street address where the alarm system is installed; or

- B. Notify in writing to each alarm site of a required permit promulgated by these Regulations and shall provide evidence of notification to Alarm Detail representative(s) upon request.

13.02 Any alarm system business shall divulge to the Alarm Detail of the Alarm Detail upon written notice, any information contained in the business records of the alarm system business of which the Alarm Detail requires information in any criminal investigation.

13.03 Information provided to the Alarm Detail of the Alarm Detail pursuant to these Regulations shall be treated as confidential information and will not be disseminated except for legitimate law enforcement purposes and enforcement of these Regulations; and as required by law.

SECTION XIV. FALSE ALARMS; EXCEPTIONS

14.01 No person shall intentionally or knowingly activate an alarm system for any purpose other than an emergency or threat of emergency of the kind for which the alarm system was designed to give notice.

14.02 It shall be a defense to prosecution under this subsection that the alarm system was activated solely for the purpose of testing the alarm system and the person who tested the alarm system took reasonable precautions to avoid any request for response being made to a Fort Bend County law enforcement agency.

SECTION XV. FEES FOR FORT BEND COUNTY RESPONSE TO FALSE ALARM

15.01 A Permit Holder shall not incur a fee for a response by a County law enforcement official to a notification of activation of an alarm system, except as provided in Section 15.02.

15.02 A Permit Holder, his agent or employee that accidentally activates an alarm system for any reason other than an emergency or threat of an emergency of the kind for which the alarm system was designed to give notice shall be subject to the following fees:

- A. There is no fee or false alarm calculation for up to five (5) false alarms in a one-year period,
- B. Beginning with the sixth false alarm in a one-year period, a fee of not less than \$75 per false alarm and not more than the maximum false alarm fee allowed by state law

15.03 A Permit Holder, his agent or employee that intentionally or knowingly activates an alarm system for any reason other than an emergency or threat of an emergency of the kind for which the alarm system was designed to give notice shall be subject to the following fees:

- A. Beginning with the sixth false alarm in a one-year period, a fee of not less than \$75 per false alarm and not more than the maximum false alarm fee allowed by state law; and
- B. The full costs incurred by the county as a result of any intentional or knowing activation of the alarm system for any reason other than an emergency or threat of an emergency of the kind for which the alarm system was designed to give notice which may include overhead, costs of any investigation necessitated by such response, and all other costs incident to the response. The costs described in this

subsection may be assessed upon the first instance of an intentional or knowing false alarm.

- 15.04 No fee or false alarm calculation will be charged for a response to a notification of activations of any alarm system if the Permit Holder can provide evidence to the satisfaction of the Alarm Detail that the alarm was not false, or that such alarm system was being tested and the person testing such system took reasonable precautions to avoid any request for response being made to a Fort Bend County law enforcement agency. The alarm will be treated as false unless the Permit Holder provides substantial evidence that the alarm was not false.
- 15.05 The Alarm Detail may waive the imposition of a false alarm call(s) and subsequent fees if he determines that the permitted alarm site is located within a geographical area in which a qualified emergency or act of God caused an activation of the alarm system(s). The Sheriff may promulgate and institute procedures governing the determination of a qualified emergency and establishing a list of qualified emergencies.

SECTION XVI **WHEN PERMIT MAY BE REVOKED**

An alarm system permit may be revoked upon the occurrence of one or more of the following:

- 16.01 The Permit Holder has failed to make payment in full to Fort Bend County for any costs assessed pursuant to these Regulations within sixty (60) days of the date the Alarm Detail has mailed a notice to the Permit Holder that such fees are due and owing.
- 16.02 The Permit Holder accrues more than nine (9) false alarms in a one-year period, the alarm system, not including any of the false alarms which may have formed the basis for a prior revocation during the same period.

SECTION XVII **NOTICE OF REVOCATION; REINSTATEMENT OR DENIAL HEARING**

- 17.01 If the Alarm Detail denies the issuance of a new permit or renewal of an existing permit, or reinstatement of a revoked permit, the Alarm Detail shall send the Applicant (or Permit Holder) written notice of the action and a statement of the right to an appeal. This notice shall be sent by certified mail, return receipt requested.
- 17.02 The Applicant (or Permit Holder) may appeal the decision of the Alarm Detail to the Appeal board. All appeals will be made by written request for a hearing, setting forth the reasons for the appeal.
- 17.03 The appeal request must be received no later than ten (10) days after the receipt of the notice sent by the Alarm Detail. An appeal is waived, if the appeal request is not made within the ten (10) days.
- 17.04 The filing of an appeal stays the decision of the Alarm Detail until the Appeal Board makes a final decision.
- 17.05 The Appeal Board shall consist of 1 representative each from the patrol, dispatch and enforcement divisions. The Appeal Board shall appoint one of the members to be the Hearing Office.
- 17.06 The formal Regulations of evidence do not apply at the appeal hearing.
- 17.07 The Appeal Board shall make a decision based on the information provided at the hearing. The Appeal Board may affirm, reverse or modify the action of the Alarm Detail.
- 17.08 The Hearing Officer shall send written of the decision within thirty (30) days after the hearing was first requested.

17.09 The decision of the Appeal Board is the final administrative remedy available to an Applicant (or Permit Holder).

SECTION XVIII
PENALTIES FOR VIOLATIONS

A person who violates any Alarm Regulation issued by Fort Bend County or who violates a state alarm requirement commits a Class C misdemeanor and, upon conviction thereof, may be punished by a fine and imposition of any applicable response fee(s) and costs incident to such violation.

SECTION XIX
POLICIES AND PROCEDURES

19.01 The Sheriff may from time to time promulgate and institute policies and procedures necessary to implement and enforce these Regulations.

19.02 The Sheriff may request the Fort Bend County's Attorney Office to file a civil action in a court of competent jurisdiction to recover a penalty or fee imposed under these Regulations.

SECTION XX
EFFECTIVE DATE

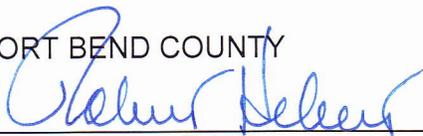
20.01 These Regulations shall become effective on January 2, 2012, for all new permit applications. The Sheriff's Office shall issue citations for violations of these Regulations beginning April 1, 2012.

20.02 An alarm permit issued or renewed prior to January 2, 2012 shall expire one year from the date of the permit was issued or last renewed. A permit renewed prior to expiration shall be assessed only the renewal fee.

20.03 An alarm permit issued or renewed before January 2, 2012 that is not renewed prior to the permit's expiration shall be required to submit a new permit application.

PASSED AND APPROVED this the 13 day of December 2011.

FORT BEND COUNTY



Honorable Robert E. Hebert
County Judge

ATTEST:



Honorable Dianne Wilson
County Clerk

