

Chapter 68. Travis County Sheriff's Office Alarm System Rules and Procedures¹

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68.001 Rules

An alarm system located in the unincorporated area of the County is subject to the following Rules and Procedures adopted pursuant to Chapter 237 of the Texas Local Government Code.

68.002 Definitions

- (a) Alarm Site. The specific property or area of the premises on or within which an alarm system is or is to be installed.
- (b) Alarm System. An alarm signal device, burglar alarm, heat or motion sensor, or other electrical, mechanical, or electronic device used:
 - (1) to prevent or detect burglary, theft, pilferage, fire, or other loss of property;
 - (2) to prevent or detect intrusion; or
 - (3) primarily to detect and summon aid for other emergencies.
- (c) Alarm System Business. Any individual or entity selling, installing, servicing, monitoring, or responding to alarm systems for compensation.

¹ Chapter 68 was replaced by Travis County Commissioners Court on 9/14/1999, Item 7.

- (d) False alarm. 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.
- (e) Local alarm. An alarm system that emits a signal that is audible or visible from the exterior of the alarm site.
- (f) Unpreventable Conditions. Those conditions which cause activation of an alarm system without fault of the alarm system, or the permit holder or his household, criminal activity, or another emergency. Examples of unpreventable conditions would be a generalized power outage or a severe weather disturbance causing several alarm activations within a localized geographical area.

68.003 Permit

- (a) The operation of an alarm system in the unincorporated area of Travis County requires a Travis County permit issued by the Sheriff's Office for that system and alarm site, unless otherwise allowed by law.
- (b) These Rules and Procedures do not apply to:
 - (1) emergency response systems managed by health care facilities licensed by the Texas Department of Health;
 - (2) an alarm installed on:
 - (A) a motor vehicle;
 - (B) premises occupied by the United States, the State of Texas, a city, or the County; or
 - (C) premises located in an incorporated area within the county;
 - (3) an alarm designed to alert only the inhabitants of the premises and the premises does not have a local alarm; or
 - (4) an alarm system designed solely to detect or give notice of fire or smoke
 - (5) an alarm system business which monitors or services an alarm system installed and designed to protect others' property.

68.004 Application

- (a) Before operation, the person; who will be responsible for an alarm system; shall apply for a permit authorizing the operation of the alarm system at the alarm site. The application and any application for renewal or reinstatement shall be made in substantially the form attached hereto as Exhibit "A".
- (b) The Sheriff shall issue a permit upon submission of a completed application and payment of the permit fee, unless the Sheriff finds that

any statement made in the application was incomplete, misleading, or false; that the applicant has not paid all charges owed to the County; or that the alarm system installed at the alarm site has a history of unreliability. A decision to deny a permit may be appealed to the Sheriffs Office, which will schedule a hearing under section 68.018.

68.005 Permit Fees

\$25.00 for each new, renewed, or reinstated permit for residential alarms and \$50.00 for each new, renewed, or reinstated permit for business alarms.

68.006 Changes in Responsible Parties

A change in the party responsible for the operation of an alarm system must be approved by the Sheriffs Office pursuant to an amended permit, for which there is no fee. A permit is otherwise not transferable.

68.007 Term & Renewal

- (a) Permits shall be issued on a calendar-year basis and shall be valid from January 1 through December 31 of the applicable calendar year. The permit fees prescribed in 68.005 shall apply to each permit issued, renewed or reinstated during a calendar year, without regard to when during the calendar year such permit is issued, renewed or reinstated. Permit fees shall not be prorated.
- (b) Before expiration of- the permit, a renewal application must be presented to the Sheriffs Office along with the renewal fee. If any fees or charges remain owed to the County under these Rules or if the alarm system has a history of unreliability, the Sheriffs Office may deny the application until all fees or charges have been paid and/or the unreliability is corrected. Payments for renewals should be received prior to January 1st of the year for which the permit renewal is sought.

68.008 Permit Kept at Alarm Site

The permit holder shall keep the permit at the alarm site and shall produce such permit for inspection upon the request of any law enforcement officer.

68.009 Duties

- (a) The permit holder shall be available 24 hours a day to receive notification from the Sheriffs Office to come to the alarm site.
- (b) The permit holder must personally come to the alarm site or have someone familiar with the alarm system come to the alarm site within one (1) hour after receiving a request from a member of the Sheriffs

Office to do so in order to grant access to the alarm site and deactivate the alarm system, if necessary.

- (c) The permit holder shall train all persons, who activate the alarm system in its proper operation.

68.010 Repair

- (a) The permit holder shall ensure that an alarm system is repaired within seventy-two (72) hours of notification that such system is malfunctioning.
- (b) The permit holder may cause such system to be deactivated rather than having such system repaired. If he does, such system shall not be reactivated until it has been repaired.

68.011 Operation

- (a) An alarm system, which gives a silent signal, must designate the type of emergency situation so that the proper notification and proper response can be made.
- (b) A local alarm must have a 30 minute automatic shut-off.
- (c) A local alarm must not sound similar to an emergency vehicle's siren or a civil defense warning system.
- (d) An alarm system must not:
 - (1) be able to be activated inadvertently;
 - (2) automatically select any telephone line leading into the communication center of the Sheriffs Office or any number leading into the offices of the county and then transmits any pre-recorded message or signal; and
 - (3) give notification of the activation of an alarm system directly to the Sheriffs Office by any means other than live human voice.

68.012 Duty of Alarm System Business Monitoring

- (a) An alarm system business which operates a central station and/or telephone answering service, shall train personnel to notify the Sheriffs Office of the receipt of notification of the activation of an alarm system, to ensure that emergency messages or alarm signals can be relayed to the Sheriff's Office.
- (b) An alarm system business, which provides a central station and/or answering service for permitted alarm sites, shall adopt procedures, which are subject to the approval of the Sheriffs Office, to attempt to minimize the number of false alarms relayed to the Sheriffs Office.

- (c) Notification to the Sheriffs Office of the activation of a permitted alarm system shall include:
 - (1) The street address of the alarm site, including the particular suite or apartment number, if applicable;
 - (2) The name of the permit holder;
 - (3) The type of alarm activated; and
 - (4) The name(s) and local telephone number(s) of the person(s) designated for notice.

- (d) The alarm system business shall:
 - (1) notify the permit holder or his designees of the activation of the alarm system within twenty-four (24) hours of the time the alarm was activated;
 - (2) keep a written record of the date and time each notification of the activation of a permitted alarm system is received and the date, time, and method by which the permit holder or his designees were notified for at least two years and make such records available for inspection by the Sheriffs Office;
 - (3) Test all equipment used by the business to receive notifications of the activation of any permitted alarm system and the equipment used in relaying those notifications to the Sheriffs Office at least annually and, where a test result is unsatisfactory, correct the condition within seven days from the date of such test result; and
 - (4) Produce evidence of the results of such tests within 24 hours of request by the Sheriffs Office to inspect such evidence.
 - (5) Notify all alarm system purchasers of the requirements of registration of the alarm system prior to activation.
 - (6) No alarm system shall be activated prior to the purchaser's receipt of an alarm permit issued by the Sheriffs Office.

68.013 Fees and Penalties

- (a) A permit holder will be charged \$75.00 for:
 - (1) intentionally or knowingly activating 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, except for testing the alarm system and the person who tested the alarm system took reasonable precautions to avoid any request being made to the Sheriffs Office to respond to such alarm.

- (2) each response by the Sheriffs Office to notification of activation of the permit holder's alarm system in excess of five false alarms within the preceding twelve month period; however, no fee will be charged; if the permit holder shows that the activation was not a false alarm.
- (b) A person commits an offense if he or she operates, causes to be operated, or allows to be operated an alarm system without a valid permit issued pursuant to this Chapter. An offense under this section is a Class C Misdemeanor, punishable by a fine not to exceed five hundred dollars (\$500).
- (c) The Sheriffs Office may issue a warning citation for a false alarm response to an alarm site without a permit if a permit application for the site is submitted within ten working days from the date of the non-permitted alarm notification to the Sheriffs Office and the permit is granted.
- (d) The Sheriffs Office may waive the imposition of a false alarm response fee if it is determined that unpreventable conditions caused the activation of the alarm system.

68.016 Violations

Any person commits an offense if he or she violates any provision of these rules not otherwise provided for and punishable under Texas law, as enacted and amended. An offense under this section is a Class C Misdemeanor, punishable by a fine not to exceed five hundred dollars (\$500).

68.017 Revocation of Permit

- (a) A permit may be revoked by the Sheriffs Office if:
 - (1) The permit holder fails to pay any fees assessed under these Rules within 60 days of the date the County mails a notice to the permit holder that the fees are due and owing; or
 - (2) The alarm site accrues more than nine false alarms during a 12 month period.
- (b) Revocation notice will be mailed to the permit holder at the address set out in .the permit application or its most recent amendment. The notice will set forth the amount of any fees assessed that are due and owing and the dates on which the charges were incurred.
- (c) A permit may be reinstated by filing an application for a permit and showing:
 - (1) That the cause of the false alarms has been corrected.
 - (2) The fees assessed have been paid.

- (d) If an application for reinstatement is denied, a hearing must be requested in writing.
- (e) A reinstated permit shall not have any more charge-free false alarm responses available in the 12 months preceding reinstatement.

68.018 Hearings

- (a) All hearings shall be held before a Sheriffs Office's hearings officer, who will conduct the hearing, hear evidence and render a decision. The Sheriffs Office will not designate any hearing-officer who has participated in the investigation of false alarms from the alarm site in question or has prior knowledge of the allegations or circumstances discovered in such investigation.
- (b) The parties may appear at the hearing in person, be represented by legal counsel, present testimony, and cross-examine witnesses.
- (c) The hearing officer may approve a permit which had been denied, reinstate a permit which had been revoked, and adjust the amount of fees owed upon a showing of good cause by the person requesting the hearing.
- (d) The findings of the hearing officer will be in writing and are final.

68.019 Miscellaneous

- (a) If any provision of these Rules is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of these Rules will not be affected thereby; it being intended that no portion hereof will become inoperative or fail by any such reason. i
- (b) Words of any gender or number shall be construed to include the other number or gender as necessary to give full force and effect to these Rules.
- (c) These Rule and Procedures are adopted on September 14, 1999, to be effective January 1, 2000.
- (d) The County, the Commissioners Court, the Sheriff and the Sheriffs employees or agents are not liable for an action arising out of the regulation of or failure to regulate alarm systems. The issuance of a permit authorizing the use of an alarm system is not intended to create a contract, either expressed or implied, or to create a duty or guarantee of response by the Sheriff or other law enforcement officials to alarm notifications. Any and all liability and any and all damages including but not limited to actual, punitive, exemplary and/or consequential damages resulting from the failure to respond to a notification is hereby disclaimed by Travis County and the law

enforcement entities therein and governmental immunity as provided by law is retained.

- (e) Section 237.002(a)(7) permits the Commissioners Court to authorize the Sheriff to require that a permit be issued and unrevoked before the Sheriff or another law enforcement official may respond.
- (f) A copy of these rules will be provided to each permit applicant and the cost of the copy is included in the \$25.00 permit fee for residential permits and the \$50.00 permit fee for business permits.

68.020 Exhibit "A" Travis County Sheriff's Office Application For Alarm System Permit

- ____ New Permit
- ____ Amended Permit
- ____ Renewal
- ____ Reinstatement

FEE: Residential \$25.00
Business \$50.00

(no fee for amended permit application)

(1) Name, address, telephone number(s), and Texas driver's license number of the permit applicant and person responsible for the operation of the alarm system, if different.

(2) The street address of the alarm site, the property on which the alarm system is installed and operated, including the particular suite or apartment number(s), if applicable.

(3) Any business name used for the alarm site.

(4) Type of alarm: (a) local alarm, (2) silent alarm, (3) burglar alarm, (4) robbery alarm, and/or (5) alarm designed to give notice of any other life-threatening emergency(Specify).

(5) The name, address, and telephone number of any alarm system business that has installed or monitors the alarm system.

(6) Optional: In addition to that of the permit holder, the names and local telephone numbers of two persons or the name and local telephone number of an alarm system business, which will come to the alarm site upon the occurrence of an alarm notification within one hour after receiving a request from a member of the Sheriffs Office to do so and grant access to the alarm site and deactivate the alarm system, if necessary.

(7) Optional: In addition to that of the permit holder, the names of any other residents over the age of seventeen (17).

By my signature below, I:(1) acknowledge that I have received a copy of the Travis County Sheriff's Office Alarm System Rules and Procedures, (2) agree to comply with such Rules and Procedures in the operation of the alarm system at the alarm site, and(3) know the information contained in this Application to be true and correct.

Printed name:_____

Title: _____ (if applicable)
Authorized Representative

Date: _____