



Bryan city code on alarm systems

City of Bryan
POLICE DEPARTMENT
ALARMS UNIT
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BRYAN CITY CODE
ARTICLE III
ALARMS

Section 15-36. Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section:

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

Alarm system shall mean a device or system that emits, transmits or relays a signal intended to summon or that would reasonably be expected to summon, emergency services of the city, including, but not limited to, local alarms. Alarm system does not include an alarm installed on a vehicle, unless such vehicle is permanently located at a site, nor an alarm designed to alert only the inhabitants of a premise which does not have a local alarm.

Automatic dialing device shall mean any device connected to an alarm system which automatically sends a prerecorded message or coded signal, indicating the activation of the alarm system, to a predetermined location.

Burglar alarm notification shall mean a notification intended to summon the police, which is initiated or triggered by an alarm system designed to respond to a stimulus characteristic of unauthorized intrusion on, or into, an alarm site.

Chief shall mean the police chief or his duly authorized representative.

*Editor's note--Ord. No. 706, § 1, adopted Sept. 12, 1988, repealed Ch.3, Art. II of the Bryan City Code of 1975, relative to alarm systems, from which the substantive sections of former Ch. 15, Art. III of this Code derived. Said Ord. No. 706 enacted new provisions, regarding similar subject matter, which have been codified herein at the discretion of the editor as a new Art. III, §§ 15-36--15-46. The provisions of former Art. III, §§ 15-36--15-45 derived specifically from Code 1975, §§ 3-16, 3-18--3-26.

False burglar alarm notification shall mean a burglar alarm notification to the police, when the responding police officer reasonably finds there is no evidence of unauthorized intrusion or attempted unauthorized intrusion. A false burglar alarm notification does not include those which are caused by a natural or man-made catastrophe, severe weather that causes physical damage to the premises, vandalism, telephone line outage or other conditions which the chief determines could not have reasonably been prevented by the permit holder.

False robbery alarm notification means a robbery alarm notification to the police, when the responding police officer determines there is not evidence of a robbery, attempted robbery, intrusion, attempted unauthorized intrusion, or an attempt to take a person hostage. A false robbery alarm notification does not include those which are caused by a natural or man-made catastrophe, severe weather that causes physical damage to the premises, vandalism, telephone line outage or other conditions which the chief determines could have reasonably been prevented by the permit holder.

Financial institution shall mean an institution that is required by the regulations of federal supervisory agencies issued pursuant to the Bank Protection Act of 1868, to have an appropriate device for notifying the police department that a burglary or a robbery has occurred or is in progress.

Local alarm shall mean an alarm system that emits a signal at an alarm site that is audible or visible from the exterior of a structure.

Permit holder means the person designated in the application as required in section 15-37(d) who is responsible for responding to alarms and giving access to the site and who is also responsible for proper maintenance and operation of the alarm system and payment of fees.

Person shall mean an individual, corporation, partnership, association, organization, or two (2) or more persons having a joint or common economic interest.

Robbery alarm notification shall mean a notification intended to summon the police by means of an alarm system which is activated by the overt action of a person to signal an intrusion, attempted unauthorized intrusion, robbery, attempted robbery or a hostage situation.

(Ord. No. 706, § 1(3-16), 9-12-88; Ord. No. 722, § 1, 2-27-89, Ord. No. 775, § 1, 9-24-90)

Cross-reference--Definitions and rules of construction generally, § 1-2.

Section 15-37. Permit--Required; grounds for denial; information required for application; transfer prohibited.

(a) A person commits an offense if he operates or causes to be operated an alarm system without first obtaining a permit from the police department. A separate permit is required for each alarm site and each type of alarm system as hereinabove defined at each site.

(b) Any person operating or causing to be operated an alarm system on the effective date of this article [Ordinance Number 706], must apply for a permit within thirty (30) days after the effective date hereof.

(c) Upon receipt of the required fee and completed application form, the police department 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 portion of this article.

(d) 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. Each permit application must also contain the name, address, and telephone number of at least two (2) persons who are able and have agreed to receive notification from a member of the Bryan Police Department at any time and to come to the alarm site within twenty (20) minutes after receiving such notification. Failure to respond as required will result in a letter of warning from the chief of police on the first occasion. A second failure to respond will result in suspension of the permit until the permit holder satisfactorily demonstrates that compliance with this provision will be accomplished.

(e) 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 police department of any change that alters information listed on the permit application. No fee will be assessed for such changes.

(f) 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.

(g) Information furnished in the permit application or otherwise by the permit holder to the police department or kept in the records of the city relevant to alarm systems or that concern the location of the alarm system, the name of the occupant of an alarm system location, or the type of alarm system that is used is confidential and may not be disclosed except as provided by Article 4413(29bb), Vernon's Texas Civil Statutes, or other applicable statute, and shall specifically be considered confidential and not subject to the provisions of the Texas Open Records Act. (Ord. No. 706, § 1(3-18), 9-12-88; Ord. No. 775, § 2, 9-24-90)

Section 15-38. Same-Renewal; permit fee.

(a) A permit is issued for three (3) years upon submission of an updated application. It is the responsibility of the permit holder to submit an application prior to the permit expiration date. An alarm permit shall expire three (3) years after its issuance unless terminated by lawful order for noncompliance with this article.

(b) A nonrefundable fee of seventy-five dollars (\$75.00) is required for each permitted alarm site or renewal of same. Any federal agency, state agency or political subdivision of the state shall be exempt from payment of the permit fee. (Ord. No. 706, § 1(3-19), 9-12-88; Ord. No. 722, § 2, 2-27-89; Ord. No. 1815 § 34-21 (b), 6-29-09)

Section 15-39. False alarms; assessment of service fee for excessive number.

(a) *Burglary alarm.* A service charge will be made by the city to the permit holder for responding to false burglar alarms on the basis of the number of false alarms occurring at an alarm site during a calendar year.

(b) *Robbery alarm.* The chief shall assess the permit holder of a robbery alarm a service fee for each false robbery alarm notification emitted from the alarm site and received by the police.

(c) *Time limitation for fee payment.* A permit holder shall pay to the city any service fee assessed under the provisions of this section within thirty (30) days after receipt of notice that it has been assessed by the city.

(d) Service charges will be determined from time to time by appropriate resolution of the city council.

(e) The officer assigned to respond to an alarm site will make the initial determination as to whether or not alarm notification is false. This officer will prepare a report for the chief of police or his representative. The chief of police or his representative will make the final determination of whether an alarm notification is false. (Ord. No. 706, § 1(3-20), 9-12-88; Ord. No. 775, § 3, 9-24-90)

Section 15-40. Permit denial or suspension--Grounds; reinstatement.

(a) The following shall constitute grounds for suspension and revocation of an alarm system permit:

(1) The violation of any of the provisions of this article.

(2) Failure to pay any assessment service fee.

(3) An alarm system that generates an excessive number of false alarm notifications in a calendar year period. In each respective category, an excessive number shall be presumed to be:

(b) A permit suspended under the provisions of this section may be reinstated or renewed by the chief, upon a sufficient showing that the conditions which caused the action have been corrected, and it has been reasonably determined that the alarm system will be maintained and operated in a manner in accordance with the provisions of this article. (Ord. No. 706, § 1(3-21), 9-12-88; Ord. No. 775, § 4, 9-24-90)

Section 15-41. Same--Appeal.

(a) If the chief 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 chief to the municipal court of the city, by filing with the court a written request for a hearing, setting forth his objections to the action of the chief, within ten (10) days after receipt of the notice from the chief. The filing of a request for an appeal hearing with the municipal court shall stay the action of the chief in denying the issuance of or suspending a permit, until a decision is made by the municipal court judge. If a request for an appeal hearing is not made within the ten (10) day period, the action of the chief is presumed final.

(b) The judge of the municipal court 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 judge of the municipal court shall make his decision on the basis of a preponderance of the evidence presented and matters officially noticed at the hearing. The judge of the municipal court shall render a written decision setting forth findings of fact and conclusions of law, within thirty (30) days after the request for an appeal hearing is filed. Such decision shall affirm, reverse, or modify the action of the chief, and his decision is final.

(c) Notice of the chief's actions shall be presumed to have been properly given and received if such notice has been sent in writing, certified or registered mail, return receipt requested to the last known mailing address of the permit holder or his agent. (Ord. No. 706, § 1(3-22), 9-12-88)

Section 15-42. Alarm system maintenance; response to alarm.

A permit holder or person in control of an alarm system shall:

(a) Adjust or modify the sensory mechanism of each alarm system to suppress false indications of force, so that the alarm system will not be activated due to:

- (1) Flashes of light;
- (2) Vibrations of doors or windows caused by a person using no more apparent force than to see if the door or window is unlocked;
- (3) Vehicular noise adjacent to the installation; or
- (4) Other forces unrelated to actual emergencies; and

(b) Maintain premises containing an alarm system in a manner that ensures proper operation of the alarm system.

(c) Adjust the mechanism so that an alarm signal will sound for no longer than thirty (30) minutes after being activated;

(d) Respond or cause a representative to respond to the alarm site within twenty (20) minutes when notified by the police department to repair or inactivate an alarm system, to provide access to the premises, or to provide security for the premises;

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

(f) Notwithstanding anything in this article to the contrary, it shall not be a violation of this article for the authorized service representative of the alarm system permit holder to cause an alarm to be emitted from the system solely for mechanical or technical testing purposes provided that he has notified the police department that such a test shall be made. And provided further that he shall notify the police department that such a testing period has concluded. (Ord. No. 706, § 1(3-23), 9-12-88)

Section 15-43. Inspections.

Upon reasonable notification, the chief or his representative may inspect an alarm site or alarm system during regular business hours. (Ord. No. 706, § 1(3-24), 9-12-88)

Section 15-44. Automatic dialing device.

Except as hereinafter provided in section 15-45 of this article, no automatic dialing device shall be programmed to dial, signal or send a message directly to the police department. (Ord. No. 706, § 1(3-25), 9-12-88)

Section 15-45. Special regulations for financial institutions, public schools, governmental agencies.

(a) Financial institutions, public school or other governmental agencies may install, with concurrence of the chief of police, and at no expense to the city, a signal line directly to the police department dispatching center for the purpose of reporting burglaries and robberies. If such installation is made, all other requirements of this article must be met.

(b) The financial institutions, public schools or other governmental agencies shall, at their expense, provide service for the alarm system at the request of the chief or his representative, on a twenty-four (24) hours basis, seven (7) days a week. In no event shall the city become liable for service charges, or for repairs and maintenance of any such alarm system. (Ord. No. 706, § 1(3-26), 9-12-88; Ord. No. 775, § 5, 9-24-90)

Section 15-46. Penalty for violation of article.

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

(b) A person who violates a provision of this article is guilty of a separate offense for each day or portion of a day during which the violation is committed, continued, or permitted, and each offense is punishable by a fine as provided in section 1-14 of this code, but not less than fifty dollars (\$50.00) upon first conviction and not less than seventy-five dollars (\$75.00) upon second and subsequent convictions.

(c) In addition to prohibiting or requiring certain 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. (Ord. No. 706, § 1(3-17), 9-12-88)