

RESOLUTION AND ORDER

On the 8th day of November, 2016, at a **Regular Session** of the Commissioners Court of Montgomery County, Texas, there came on for consideration and approval a motion to approve and adopt the amended Montgomery County Rules Governing Alarms, a copy of which is attached hereto as Exhibit A and incorporated herein by reference, with said Rules to become effective on November 8, 2016.

Motion was made by Commissioner Noack and seconded by Commissioner Clark that said Commissioners Court hereby approves and adopts the amended Montgomery County Rules Governing Alarms, a copy of which is attached hereto as Exhibit A and incorporated herein by reference, with said Rules to become effective on November 8, 2016.

Said Motion being put to vote, it carried by a vote of 4 to 0.

It is, therefore, **ORDERED** that Commissioners Court hereby approves and adopts the amended Montgomery County Rules Governing Alarms, a copy of which is attached hereto as Exhibit A and incorporated herein by reference, with said Rules to become effective on November 8, 2016.

ATTEST:

COUNTY OF MONTGOMERY:

Mark Turnbull
Mark Turnbull,
County Clerk

Craig Doyal
Craig Doyal
County Judge

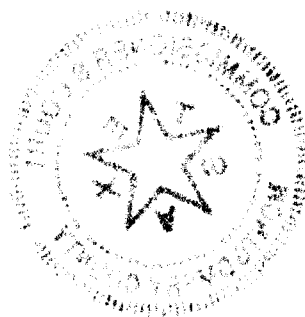


Mike Meador
Mike Meador,
Commissioner for Precinct 1

Charlie Riley
Charlie Riley,
Commissioner for Precinct 2

James Noack
James Noack,
Commissioner for Precinct 3

Jim Clark
Jim Clark,
Commissioner for Precinct 4



MONTGOMERY COUNTY RULES GOVERNING ALARMS

These rules and procedures are adopted pursuant to Chapter 233 of the Texas Local Government Code.

SECTION 1. PURPOSE

- A. The purpose of these Rules is to encourage Alarm Users and Alarm Companies to properly use and maintain the operational effectiveness, and proper utilization of Alarm Systems, and to reduce or eliminate False Alarms which may unduly divert law enforcement from responding to criminal activity.
- B. These Rules govern systems intended to summon law enforcement response, and requires registration (permit), establishes fees, provides for penalties for violations, establishes a system of administration, and sets conditions for suspension or loss of registration (permit).

SECTION 2. DEFINITIONS

In these Rules:

- 1. Alarm Company means the business, (by an individual, partnership, corporation, or other entity) of selling, leasing, maintaining, servicing, replacing, moving, installing, or monitoring an Alarm System in an Alarm Site.
- 2. Alarm Detail means a Person designated by the Sheriff to administer, control, and review False Alarm reduction efforts, and to administer the Montgomery County Alarms Rules.
- 3. Alarm Dispatch Request means a notification to a law enforcement agency that an alarm, either manual or automatic has been activated at a particular Alarm Site.
- 4. Alarm Registration (Permit) means the notification by an Alarm User to the Alarm Detail that an Alarm System has been installed and is in use.
- 5. Alarm Site means a single fixed premises or location served by a single Alarm System or systems. Each tenancy, if served by a separate Alarm System in a multi-tenant building or complex shall be considered a separate Alarm Site.

6. Alarm System means 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, including Local Alarm System.
7. Alarm User means any Person, firm, partnership, corporation, or other entity who (which) uses or is in control of any Alarm System at its Alarm Site.
8. Automatic Voice Dialer means any electrical, electronic, mechanical, or other device capable of being programmed to send a prerecorded voice message, when activated, over a telephone line, radio, or other communication system, to a law enforcement agency.
9. Cancellation of Responding Agency Alarm Dispatch means the process by which an Alarm Company providing Monitoring verifies with the Alarm User or responsible party that a false dispatch has occurred and that there is not an existing situation at the Alarm Site requiring law enforcement agency response.
10. Conversion means the transaction or process by which one Alarm Company begins monitoring of a previously unmonitored Alarm System or an Alarm System previously monitored by another Alarm Company.
11. Duress Alarm means a silent Alarm System signal generated by the manual activation of a device intended to signal a life threatening situation or a crime in progress requiring law enforcement response.
12. False Alarm means an alarm dispatch request to a law enforcement agency that is later determined not to involve a criminal offense, attempted criminal offense, fire, or other emergency.
13. Hearing Officer means the individual designated by the Montgomery County Sheriff to preside over hearings under these Rules.
14. Holdup Alarm means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress.
15. Keypad means a device that allows control of an Alarm System by the manual entering of a coded sequence of numbers or letters.
16. Law Enforcement Authority means the Sheriff or his authorized representatives.
17. Local Alarm System means any Alarm System that annunciates the alarm only by an internal or external audio device.

18. Monitoring means the process by which an Alarm Company receives signals from an Alarm system and relays an Alarm Dispatch Request for the purpose of summoning Law Enforcement response to the Alarm Site.
19. Panic means an audible Alarm System signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring law enforcement response.
20. Permit Year means the twelve month period following issuance of the permit or renewal of an original permit.
21. Person means an individual, corporation, partnership, association, organization, or similar entity.
22. Takeover means the transaction or process by which an Alarm User takes over control of an existing Alarm System, which was previously controlled by another Alarm User.
23. Verify means an attempt by the Alarm Company, or its representative, to contact the Alarm Site by telephonic or other electronic means, whether or not actual contact with a Person is made, before requesting law enforcement dispatch, in an attempt to avoid an unnecessary Alarm Dispatch Request.
24. Unpreventable Conditions means those conditions which cause activation of an Alarm System without fault of the Alarm System, or Alarm User, criminal activity, or any other emergency.

SECTION 3. REGISTRATION REQUIRED, APPLICATION, FEES, TRANSFERABILITY, FALSE STATEMENTS

It shall be unlawful for any person to operate, cause to be operated, or permit the operation of an Alarm System at its Alarm Site without first obtaining a valid Alarm Permit issued by the Sheriff's Alarm Detail. A separate registration is required for each Alarm Site. For example, one Permit will be issued per address, provided that there is common ownership or control. The number of Permits required or allowed at a particular location shall be within the discretion of the Alarm Detail. The issuance of a Permit is not intended to nor shall it create a contract, whether express or implied, creating a duty or guarantee of response from law enforcement agencies.

It is a Class C Misdemeanor offense to operate an Alarm System, monitored or not, without first purchasing an Alarm Permit. It is punishable by issuance of a citation and payment of fines ranging from \$75.00 to \$500.00 upon conviction. Each violation is a separate offense.

Exceptions: These rules do not apply to:

- (1) emergency response systems managed by health care facilities licensed by the Texas Department of Health; or
- (2) alarms systems installed on a motor vehicle; or
- (3) premises occupied by the United States, This State, or Montgomery County, or
- (4) public school districts (however, public schools are encouraged to apply for permits, at no charge, for information purposes only); or
- (5) premises located within an incorporated area within the County; or
- (6) an alarm system designated solely to detect or give notice of fire or smoke; or
- (7) a medical alert pendant or victims pendant alarm.

To register an alarm system: the Alarm User must submit a fully completed, signed application along with payment in a method acceptable to the Alarm Detail.

The fee for a new permit, for both residential and business alarms, is \$20.00. The renewal fee for an alarm permit is \$20.00. Each new or renewed permit issued pursuant to these rules shall be valid for a twelve (12) month term from the date of issuance stated on the permit. A fee of an additional \$20.00 may be assessed if the renewal application and payment are more than 30 days past the expiration date of the permit. Upon revocation of an Alarm Permit, a reinstatement fee in the amount of \$50.00 may be assessed.

Upon receipt of a fully completed application and the registration fee, the Alarm Detail shall register the applicant, unless the applicant has:

- (1) failed to pay a fine/fees assessed under these rules, or
- (2) had an Alarm Permit for the Alarm Site revoked, and the violation causing the revocation has not been corrected, or
- (3) the Alarm System and/or Alarm User has a history of unreliability.

Generally, an Alarm Permit will be renewed if a renewal applicant is in compliance with these Rules, the applicant's Alarm System is working properly, all outstanding penalty fees have been paid in full, no revocation proceeding is currently pending, and the renewal fee is paid in full.

Each Alarm Permit Application must include the following information:

- (1) the names of the permit holder. The person/persons who will be the permit holder will be the person/s responsible for proper maintenance and operation of the Alarm System, and payment of fees assessed under this article,
- (2) driver's license numbers, DPS identification number or other identification number (may be required),
- (3) complete address (including apt./suite #), email addresses, and all telephone numbers where the parties can be reached day or night.
- (4) the classification of the Alarm Site as either residential (includes condo, mobile home, etc.), commercial (or apartment);
- (5) for each Alarm System located at the Alarm Site, the classification of the Alarm System, i.e., burglary, holdup, duress, or other, for each purpose whether audible or silent;
- (6) mailing address, if different from the Alarm site;
- (7) any dangerous or special conditions present at the Alarm Site;
- (8) name and telephone numbers of at least two individuals who are able, and have agreed to receive notification of an alarm activation at any time; respond to the Alarm Site within 30 minutes; and upon request, can grant access to the Alarm Site and deactivate the Alarm System if such becomes necessary;

A signed certification may be required from the Alarm User stating:

- (a) the date of installation, Conversion or Takeover of the Alarm System, whichever is applicable;
- (b) the name, address, and phone number of the Alarm Company performing the Alarm System installation, Conversion of Alarm System Takeover and responsible for providing repair service to the Alarm System;
- (c) the phone number of the Alarm Company Monitoring the Alarm System, if different from the installing Alarm Company;
- (d) that a set of written operating instructions for the Alarm System, including written guidelines on how to avoid false alarms, have been left with the applicant; and
- (e) that the Alarm Company has trained the applicant in proper use of

the Alarm System, including instructions on how to avoid false alarms.

Any false statement of the material fact made by an applicant for the purpose of obtaining an alarm permit shall be sufficient cause for refusal to issue a permit or for revocation of an existing permit.

An Alarm Permit cannot be transferred to another Person or Alarm Site. A new Alarm Permit must be obtained by a new owner/resident in their name, and the new owner/resident must pay the fee for a new permit.

If the Alarm Permit holder moved to a new location/apartment, the owner/permit holder must notify the Alarms Administrator within five (5) business days. The registered Permit Holder will be liable for any and all false dispatches to that location until notification is made.

All fees owed by an applicant must be paid before a permit can be issued or renewed.

SECTION 4. APARTMENT COMPLEXES

Each residential unit or apartment or common area in a multiple unit housing complex which has an Alarm System is a separate Alarm Site. The tenant of an apartment complex shall obtain an Alarm Permit under these Rules before operating an Alarm System in the tenant's residential unit. The tenant shall provide the name of a representative of the apartment owner or property manager who can grant access to the Alarm Site. The owner or property manager of an apartment complex shall obtain a separate permit for any alarm system operated in offices or common areas of the apartment complex. To the extent this section conflicts with any other section of these Rules, this section controls.

SECTION 5. REGISTRATION, DURATION, AND RENEWAL

Each new or renewed permit issued pursuant to these rules shall be valid for a twelve (12) month term from the date of issuance stated on the permit.

The Alarm Detail shall attempt to notify Alarm Users of the need to renew the permit, thirty (30) days prior to the expiration of the permit. However, regardless of the receipt of a renewal notification, it is the responsibility of the Alarm User to submit an application update prior to the expiration date. Failure to renew will be classified as use of a non-registered Alarm System and will be subject to issuance of a citation and penalties may be assessed without waiver. The Alarm Site may also be placed in a non-response status.

SECTION 6. DUTIES OF THE ALARM USER

An Alarm User shall:

- (1) maintain the premises and the Alarm System in a manner that will minimize or eliminate False Alarms, and
- (2) personally come to the alarm site or cause a representative familiar with the system to respond to the Alarm Site's location within thirty (30) minutes when notified by a representative of the Sheriff's Office to deactivate a malfunctioning Alarm System, to provide access to the premises, or to provide alternative security for the premises, if necessary, and will train all persons who activate the Alarm System with its proper codes and operation.
- (3) ensure that an Alarm System is repaired within seventy-two (72) hours of notification that the system is malfunctioning. The Permit Holder may cause the Alarm System to be deactivated rather than having such system repaired. A deactivated system may not be reactivated until it has been repaired.
- (4) not manually activate an alarm for any reason other than the occurrence of an event that the Alarm System was intended to report.
- (5) notify the monitoring company of any extended period of time away from the Alarm Site, such as vacation, and will leave a responsible person's name and phone numbers with the monitoring company. This responsible person must be fully trained in the use of the Alarm System and have keys and access codes.
- (6) adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal audible on the exterior of an Alarm Site shall not sound for longer than ten (10) minutes after being activated.
- (7) have a licensed company inspect the Alarm System after five (5) False Alarms within a permit year period. The system shall be modified to be more false alarm resistant and/or provide additional user training as appropriate.
- (8) An Alarm User shall not use Automatic Voice Dialers.
- (9) An Alarm User shall maintain at each Alarm Site, a set of written operating instructions for each Alarm System, as well as a copy of the Alarm Permit.

- (10) An Alarm User must provide the Alarm Company with the assigned permit number for the Alarm Site.

SECTION 7. DUTIES OF THE ALARM COMPANY

An Alarm Company performing Monitoring Services shall:

- (1) offer a training period in which no request for dispatch by law enforcement will occur during the first seven (7) days after installation of an Alarm System, but rather will use that week to train the Alarm User on the proper use of the Alarm System unless circumstances necessitate immediate request for response, as determined by conversations with the Alarm User.
- (2) report alarm signals by using telephone numbers designated by the Alarm Detail of the Sheriff's Office;
- (3) attempt to verify every alarm signal, except a Duress and Hold-Up Alarm activation, before requesting a law enforcement response to an Alarm System signal by contacting at least two responsible parties for the Alarm System;
- (4) communicate alarm dispatch requests to the Sheriff's Office in a manner and form determined by the Alarm Detail and/or the Sheriff's Office;
- (5) communicate cancellations to the Sheriff's Office in the manner determined by the Sheriff's Office or Alarm Detail.
- (6) ensure that all Alarm Users of Alarm Systems equipped with a Duress or Hold-Up alarm are given adequate training as to the proper usage of these features;
- (7) communicate any available information about the specific type and location of the alarm signal (north door, back door, second floor window east side, etc.), not "Zone 1" or some term that will not communicate to the responding officer where the problem occurred;
- (8) communicate the type of alarm activation (silent, audible, interior, perimeter);
- (9) provide Alarm User permit number when requested;

- (10) notify the permit holder or his designee of the activation of the alarm system;
- (11) notify Alarm System purchasers of the requirements of registration of the alarm system prior to activation; and
- (12) will not activate an alarm system prior to the purchaser's receipt of an alarm permit issued by the Sheriff's Office.

SECTION 8. NOTIFICATION

The Alarm Detail may establish a procedure for the notification to the Alarm User of the occurrence of a False Alarm. Options include, but are not limited to, the officer leaving a door hanger at the Alarm Site. The notice may include the following information:

- (1) Whether or not the Alarm Site has a permit and list the permit number for the Alarm Site;
- (2) Identification of the Alarm Site (address and/or name of resident)
- (3) The date and time of law enforcement response to the false alarm;
- (4) The identification number and name of the responding law enforcement officer and;
- (5) A comment as to the conditions found by the officer upon inspection of the Alarm Site;
- (6) A statement urging the Alarm User to ensure that the Alarm System is properly operated, inspected, and serviced in order to avoid False Alarms and resulting fines.

If there is a reason to believe that an Alarm System is not being used or maintained in a manner that ensures proper operation and suppresses False Alarms, the Alarm Detail may require a conference with the Alarm User responsible for repair of the Alarm System to review the circumstances of each False Alarm.

SECTION 9. FINES

An Alarm User shall be subject to fines, citation, and/or suspension or revocation of the Alarm Permit, depending upon the number of False Alarms emitted from an Alarm System within a permit year in which the Alarm Permit was issued or renewed.

Number of False Alarms (per incident)	Fines/Fees
1-5	\$0 (Free)
6-9	\$75.00 each
10+	\$75.00 each
Non-permitted incident	\$75.00 each

An Alarm Permit may be revoked after nine (9) False Alarms in a permit year period and be placed in a non-response status. The Alarm User will be deemed an unreliable Alarm User.

Any person who activates a Panic, Duress, or Hold-up Alarm, deliberately or by accident, may be required to pay an additional \$25.00 fee for each activation, if the responding officer finds no evidence of a life-threatening situation or threat of emergency of the kind for which the Alarm System was designed to give notice. These types of alarms require a higher degree of response; thus, the Alarm User must take greater care not to activate this type of alarm, unless warranted. Exception may be made for testing, if the tester has first notified their Alarm Monitoring company and obtained approval from the Sheriff's Office.

In addition, any Person who operates a non-registered Alarm System (whether permit is suspended or never acquired), or violates these Rules, commits an offense which is a Class C Misdemeanor. Each activation is a separate offense.

If cancellation of the responding agency alarm dispatch occurs prior to law enforcement personnel being dispatched to the Alarm Site, this is not a False Alarm for the purpose of fines, and no fines will be assessed.

SECTION 10. SUSPENSION OF ALARM RESPONSE

Law enforcement may suspend an alarm response if it is determined that no valid permit for the Alarm Site exists. An Alarm Permit must be issued and unrevoked before a sheriff or other law enforcement official may respond.

A law enforcement authority may refuse response to an Alarm Dispatch Request at an Alarm Site for which the Alarm Permit has been revoked.

SECTION 11. REVOCATION

An Alarm Permit for an Alarm System shall be revoked if law enforcement is caused to respond to nine (9) or more False Alarms in a permit year at the Alarm Site. Failure to pay fines and fees assessed under these Rules may also result in revocation of an Alarm Permit.

If an Alarm Permit has been reinstated pursuant to the Rules, the Alarm Detail may revoke the Alarm Permit if it is determined that four (4) False Alarms have occurred within the same permit year after the reinstatement date, for the remainder of the permit year. An applicant may apply at the beginning of the next permit year.

SECTION 12. HEARING

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.

The applicant (permit holder) may appeal the decision of the Alarm Detail. All appeals will be made by written request for a hearing, setting forth the reasons for the appeal. The request for a hearing must be received within ten (10) days after receipt of the notice from the Alarm Detail.

If a request for an appeal is not made within the ten (10) day period, the action of the Alarm Detail is final.

All hearings shall be conducted under rules consistent with the nature of the proceedings; provided, however, that the following rules shall apply to such hearings:

1. All parties may be represented by a licensed attorney, although an attorney is not required;
2. Each party may present witnesses in his own behalf;
3. Each party may cross-examine all witnesses;
4. Only evidence presented at such hearing may be considered in

rendering the order on revocation.

5. Hearsay evidence in the form of documents, records, letters and publications may be admitted without the need for business record affidavits or other such verification.
6. A Hearing Officer shall preside over the hearing and will make the final determination whether to affirm, reject, or modify the action of the Alarm Detail.

If the permit holder fails to appear at the hearing, the Alarm Permit may be revoked at the discretion of the Alarm Detail.

At the conclusion of the hearing, the Hearing Officer may revoke or allow the Alarm Permit to remain in effect, and make a decision regarding any fees or fines.

SECTION 13. REINSTATEMENT OF RESPONSE AND PERMIT

A Person whose alarm response and/or Alarm Permit has been suspended may have alarm response and/or the Alarm Permit reinstated, if the Person has abided by one or more of the following, as determined by the Alarm Detail:

- (1) submits an updated application and registration fee, if one is due;
and
- (2) pays or otherwise resolved all citations, fees, and fines, and
- (3) files with the Alarm Detail a written statement of inspection that the Alarm System has been inspected and found to be in good working order and/or repaired so as to be in good working order.

An individual whose permit has been revoked may re-apply for issuance of a new permit. In addition to providing all information listed in the application under these Rules, an individual whose permit has been revoked must provide written certification from an alarm system company that the system at issue is mechanically sound and free of defects that tend to cause False Alarms. Upon receipt of the certification and the new application and fee, a new permit or reinstatement may be issued in the discretion of the Alarm Detail if he believes the system is in fact operating properly.

SECTION 14. ENFORCEMENT AND PENALTIES

A Person commits an offense if they violate by action or omission any provision of these Rules which imposes upon them a duty or responsibility. Each offense is a Class C Misdemeanor.

All accounts that are at least ninety (90) days past due may be turned over to the County Attorney's Office for filing of a lawsuit and/or any collection process.

SECTION 15. GOVERNMENT IMMUNITY

Registration of an Alarm System is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By registering an Alarm System, the Alarm User acknowledges that law enforcement response may be based on factors such as: availability of police units, priority of calls, weather conditions, traffic condition, emergency conditions, staffing levels and other factors.

SECTION 16. SAVINGS PROVISION

Should any portion of these Rules be held to be invalid or illegal for any reason, then such invalidity shall not affect the remaining portions of these Rules.