ORDINANCE NO. 4500

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 8, ARTICLE VII OF THE CODE OF THE CITY OF MESQUITE, TEXAS, AS AMENDED, BY UPDATING REFERENCES TO CORRESPOND WITH THE INTERNATIONAL FIRE CODE, 2015 EDITION; BY DELETING UNNECESSARY WORDING, CLARIFYING THE SUSPENSION AND REVOCATION PROCESS THEREBY UPDATING ALARM SYSTEM REGULATIONS; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED FIVE HUNDRED ($500.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EFFECTIVE DATE THEREOF.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That Chapter 8, Article VII of the Code of the City of Mesquite, Texas, as amended, is hereby amended by updating references to correspond with the International Fire Code, 2015 Edition, deleting unnecessary wording, clarifying the suspension and revocation process, in all other aspects said Code, Chapter and Article to remain in full force and effect:

ARTICLE VII. ALARM SYSTEMS

DIVISION 1. GENERALLY

Sec. 8-441. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alarm permit or *permit* means a certificate, license, permit or other form of permission that authorizes a person to use a police alarm system or a fire alarm system.

Alarm signal is an audible or visual signal, or both, indicating the existence of an emergency fire or police condition. Audible devices may be bells, horns, chimes, speakers or similar devices.

Alarm site means a premises or location served by a fire alarm system, fire local alarm, police alarm system or police local alarm.

Alarm systems monitor means a person who acts as an alarm system company under V.T.C.A, Occupations Code §1702.105, as amended and/or replaced.

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

City Manager means the City Manager or the Manager's designee.

Commercial means all types of occupancies other than residential occupancies.

False burglar alarm means a burglar alarm notification of possible criminal activity reported to the Police Department:

(1) That is based solely on electronic information remotely received by an alarm systems monitor;

(2) That is uncorroborated by eyewitnesses, video or photographic evidence that an emergency exists; and

(3) Concerning which the Police Department has verified that no emergency exists after an on-site inspection of the location from which the burglar alarm notification originated.

False fire alarm notification means a fire alarm notification to the Fire Department when there is no evidence of a fire having occurred, or of the need for Fire Department services. System malfunctions will be considered as false alarm notifications.

False robbery alarm notification means a robbery alarm notification to the Police Department when there is no evidence of a robbery having occurred.

Fire alarm control unit means a system component that receives inputs from automatic and manual fire alarm devices and may be capable of supplying power to detection devices and transponders or off-premises transmitters. The control unit may be capable of providing a transfer of power to the notification appliances and transfer of condition to relays or devices.

Fire alarm notification means a notification to the Fire Department intended to summon firefighting forces by an alarm system designed to react to any of the visual or physical characteristics of fire.

Fire alarm system means a system that is a combination of approved compatible devices with the necessary electrical interconnection and energy to produce an alarm signal that would summon or cause to be summoned a Fire Department response in the event of fire or system activation. A fire alarm system shall meet the requirements of the adopted International Fire Code, Chapter 6002 of the Texas Insurance Code (See V.T.C.A. Insurance Code, Ch. 6002) and Fire Alarm Rules of the State of Texas and other nationally recognized standards.

Fire code official means the fire code official as defined in the International Fire Code.

Fire local alarm means an alarm system that emits an automatic or manually caused signal at an alarm site and has as its purpose the summoning of aid from the Fire Department.

Issuing authority means the Chief of Police or his or her designee when referring to burglary or robbery alarms, and the Chief of Fire or his or her designee when referring to fire alarms.

NFPA 72 means the National Fire Alarm and Signaling Code, as amended, which is produced by the National Fire Protection Association.

Permit holder means the person who has been issued a permit and is in control of the alarm site.

Police alarm system means a device or system that transmits a signal intended to summon the Police Department in response to a burglary or robbery. The term includes, but is not limited to, an alarm that emits an audible signal on the exterior of a structure. The term shall not include an alarm installed on a vehicle, unless the vehicle is used for a habitation at a permanent site, or an alarm designed to alert only the inhabitants within the premises.

Police 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 and has as its purpose the summoning of aid from the Police Department.

Residential occupancy means a dwelling, including but not limited to a single family home, duplex and occupied apartment or other occupied residential unit located in a multiunit housing facility.

Robbery alarm notification is a notification intended to summon the police when a robbery occurs by means of an alarm system designed to be purposely activated by a human.

Sec. 8-442. Governmental agencies.

Governmental agencies are not exempt from permit requirements. Governmental agencies are exempt, however, from permit fees and service fees.

Secs. 8-443—8-460. Reserved.

DIVISION 2. BURGLARY AND ROBBERY ALARMS

Sec. 8-461. Permit required, application, transferability, false statements.

(a) A person shall not use or operate a police alarm system in the City or cause or permit a police alarm system to be used or operated in the City, regardless of whether the person owns the police alarm system, without first obtaining a permit from the issuing authority.

(b) A person commits an offense if the person uses or operates a police alarm system or causes or permits a police alarm system to be used or operated in the City without a permit.

(c) Upon receipt of the required fee and completed application form, the issuing authority shall issue a permit for a police alarm system unless there is reasonable cause to believe the equipment responsible for initiating an alarm signal will not be maintained or operated in accordance with Division 2 of this article or the applicant will not comply with each provision of Division 2 of this article.

(d) Each permit application must contain the name, address and telephone number of the person who will use or operate the police alarm system listed on the application. Such person shall be the permit holder and will be the person responsible for the proper maintenance and operation of such police alarm system and for the payment of fines, penalties and fees assessed under Division 2 of this article. Each permit application must also contain the name, address and telephone number of the individual(s) to be notified should the police alarm system be activated. A permit application for a commercial premise shall contain the names and phone numbers (home or cell and business) of two individuals that when notified by the Police Department will come to the alarm site within 30 minutes, if requested, to terminate the alarm signal and secure the property. Application for a permit under the provisions of Division 2 of this article constitutes a grant or approval to the City to deactivate a police alarm system that sounds an alarm signal for longer than 30 minutes after being notified.

(e) A separate permit is required for each alarm site served by a police alarm system or police local alarm.

(f) Each occupied apartment or individual residential unit located in a multiunit housing facility in which a police alarm system is used or operated shall be a separate alarm site and shall require a separate permit. Upon compliance with Division 2 of this article, the permit for a police alarm system at an alarm site that is an occupied apartment or individual residential unit located in a multiunit housing facility shall be issued to the occupant of the apartment or individual residential unit. An individual occupying an apartment or individual residential unit of a multiunit housing facility served by a police alarm system shall be required to obtain a permit regardless of whether the police alarm system is provided by the multiunit housing facility or was installed by or at the direction of the occupant.

(g) The owner or property manager of a multiunit housing facility shall obtain a permit for a police alarm system in a non-residential area of a multiunit housing facility including, but not limited to, common tenant areas, office areas, storage areas and equipment areas.

(h) An alarm permit cannot be transferred to another person. However, the individual(s) designated to respond to an alarm signal or the alarm systems monitor may be changed. A permit holder shall inform the issuing authority in writing of any change that alters information listed on the permit application within five days of the date the change. No fee will be assessed for such changes.

(i) Any false statement or misrepresentation of a material fact made by an applicant for the purpose of obtaining an alarm permit or renewal, or while making a change thereto, shall be sufficient cause for refusal to grant a permit or for revocation of a permit.

(j) The issuing authority shall have the authority to enforce the provisions of this article.

Sec. 8-462. Other types of alarms.

(a) A person shall not install or maintain a police alarm system except for the purpose of eliciting responses to burglaries or robberies.

(b) If innovations in police alarm systems or other types of alarm devices adversely affect emergency services of the City, the issuing authority may promulgate rules and regulations in order to protect the City's emergency services.

Sec. 8-463. Fee for permit, duration, renewal.

(a) A non-refundable fee of $10.00 is required for the issuance of a permit. The permit is valid for a one-year period from date of issuance and must be renewed every year thereafter. The renewal fee shall be $10.00. Permit and renewal fees shall be used for the purposes set forth in §214.204 of the Texas Local Government Code, as amended and/or replaced.

(b) It is the responsibility of the permit holder to renew a permit and pay the renewal permit fee prior to the expiration of the permit. A renewal permit shall be valid for a one-year period following the date of renewal.

(c) All outstanding penalties for false burglar alarms at an alarm site must be paid before a permit will be renewed.

(d) A new fee and permit will be required upon a change in ownership or change in occupancy of the alarm site. The new permit will be valid for a one-year period from date of issuance and must be renewed every year thereafter.

(e) The issuing authority may terminate a permit for non-renewal provided the permit holder has been given at least 30 days' prior written notice that the permit will be terminated.

(f) The issuing authority may refuse to renew the permit of a police alarm system that has had eight or more false burglar alarms during the preceding 12-month period.

(g) The use or operation of a police alarm system in the City during a period when the permit for such police alarm system has been terminated for non-renewal in accordance with Section 8-463(e) shall be an offense under Section 8-461(b).

Sec. 8-464. Service fee; burglary, robbery.

(a) The issuing authority will not consider a burglar alarm notification to be false unless:

(1) The Police Department responds to the burglar alarm notification within a reasonable time. For purposes of this provision, 30 minutes shall be deemed a reasonable time provided, however, a longer response time may be reasonable given the weather, time, traffic, road conditions and other circumstances that exist as of the time and date of the response; and

(2) The police officer responding to the burglar alarm notification inspects the interior or exterior of the premises and determines from such inspection that the burglar alarm notification by an alarm systems monitor was a false burglar alarm.

(b) Except as provided by Sections 8-464(c) and 8-464(d), a permit holder who uses a police alarm system at an alarm site in the City to report a false burglar alarm by an alarm systems monitor shall pay a penalty to the City if at least three other false burglar alarms have occurred at that alarm site during the preceding 12-month period. The amount of the penalty for the report of a false burglar alarm shall be the following:

(1) $50.00, if the alarm site has had more than three but fewer than six other false burglar alarms in the preceding 12-month period;

(2) $75.00, if the alarm site has had more than five but fewer than eight other false burglar alarms in the preceding 12-month period; or

(3) $100.00, if the alarm site has had eight or more other false burglar alarms in the preceding 12-month period.

(c) The City will not impose a penalty authorized by Section 8-464(b) above if reasonable visual proof of possible criminal activity recorded by an alarm systems monitor is provided to the City before the inspection of the premises by the Police Department.

(d) The penalties set forth in Section 8-464 apply to the signaling of a false burglar alarm on the premises of a multiunit housing facility for a facility other than an individual residential unit only if the permit holder is notified of:

(1) The date of the signaling of the false alarm;

(2) The address of the multiunit housing facility where the signaling of the false alarm occurred; and

(3) The identification of the individual facility, if applicable, located on the multiunit housing facility premises where the signaling of the false alarm occurred.

(e) The City may assess a penalty of $250.00 to a person who uses a police alarm system at an alarm site in the City without a permit for each false burglar alarm at such alarm site reported by an alarm system monitor, provided, however, the City will not assess a penalty under this Section 8-464(e) if a citation has been issued to the person under Section 8-461(b) in connection with the same false burglar alarm. If a penalty is assessed pursuant to this Section 8-464(e), such person shall pay the penalty to the City as more fully set forth in Section 8-464(g).

(f) The number of false burglar alarms reported by an alarm system monitor from an alarm site shall include all types of police alarm systems, including but not limited to burglary and robbery alarms.

(g) Each person assessed a penalty under this section shall pay the penalty to the City within 30 calendar days after receipt of the notice of assessment.

(h) The City will not impose a penalty under this section on a person licensed under V.T.C.A, Occupations Code, Chapter 1702, as amended and/or replaced, for the reporting of a false burglar alarm.

(i) The City Council finds and determines that the free false alarm responses permitted by Division 2 of this article and the false alarm penalties set forth in Division 2 of this article are fair and equitable.

Sec. 8-465. Reporting of alarm signals.

A permit holder or, if there is no permit issued for an alarm site, the person who owns, leases, possesses, resides at or manages all or any part of an alarm site, shall not report alarm signals through a relaying intermediary that does not meet the requirements of this article and any rules and regulations promulgated by the issuing authority or is not licensed by the Texas Board of Private Investigators and Private Security Agencies.

Sec. 8-466. Proper alarm system operation and maintenance.

(a) A permit holder or, if there is no permit issued for an alarm site, the person who owns, leases, possesses, resides at or manages all or any part of an alarm site, under Division 2 of this article shall:

(1) Cause an adjustment to be made to the sensory mechanism of the police alarm system at such alarm site in order to suppress false indication of force so that the police alarm system will not be activated due to flashes of light, vehicular noise, electrical power fluctuations or other forces unrelated to an actual emergency; and

(2) Maintain the premises containing a police alarm system in a manner that insures proper operation of the police alarm system.

(b) A permit holder or, if there is no permit issued for an alarm site, the person who owns, leases, possesses, resides at or manages all or any part of an alarm site where a police local alarm or a police alarm system is located shall:

(1) Cause an adjustment to be made to the mechanism so that an alarm signal will sound for no longer than 15 minutes after being activated; and

(2) Provide personnel, within 30 minutes after being notified by the City, to reset the police alarm system and provide access to the premises.

Sec. 8-467. Manual reset required.

(a) A permit holder, or if there is no permit issued for an alarm site, the person who owns, leases, possesses, resides at or manages all or any part of an alarm site where a police local alarm or a police alarm system is located that causes a burglar alarm notification to be sent directly to the City, shall adjust or cause the adjustment of the mechanism, so that upon activation the system will transmit only one alarm signal, and will not transmit another alarm signal without first being manually reset.

(b) The message transmitted shall be intelligible and in a format approved by the issuing authority and will be given twice. The duration of the message shall not exceed 30 seconds.

Sec. 8-468. Inspection.

Upon reasonable notification, the issuing authority may inspect an alarm site and police alarm system of a permit holder or may inspect an alarm site and police alarm system that has not been permitted.

Sec. 8-469. Revocation of permit.

(a) The issuing authority may revoke the permit of a police alarm system:

(1) If the police alarm system has had eight or more false burglar alarms during the preceding 12-month period; or

(2) If the permit holder of the permit for such police alarm system has failed to pay a false alarm penalty assessed pursuant to Section 8-464 above within 30 days after receipt of notice of the assessment of the penalty and the issuing authority has given the permit holder at least 30 days' prior written notice that the permit will be revoked for failure to pay the penalty; or

(3) If the permit holder for such police alarm system has failed to comply with any other provision of Division 2 of this article.

(b) The use or operation of a police alarm system in the City during a period when the permit for such police alarm system has been revoked shall be an offense under Section 8-461(b).

Sec. 8-470. Indirect alarm reporting.

An alarm systems monitor who is engaged in the business of relaying burglar alarm notifications to the City shall:

(1) Send a burglar alarm notification to the City by a human operator;

(2) Report burglar alarm notifications only over a special telephone number, or numbers, designated by the issuing authority; and

(3) Furnish the name, address and telephone number of an alarm systems monitor licensed by the Texas Board of Private Investigators and Private Security Agencies, responsible on a 24-hour, seven-day a week basis for correcting any malfunction that may occur.

Sec. 8-471. Exclusion of certain police alarm systems.

(a) Notwithstanding anything contained in this article to the contrary, a property owner or an agent of the property owner authorized to make decisions regarding the use of an alarm site

may elect to exclude the City from receiving an alarm signal by a police alarm system located on the owner's property.

(b) The election made under this Section 8-471 must be in writing and may only be revoked in writing. The election must include the name of the property owner or property owner's agent making the election and the address of the alarm site for which the election is being made. A copy of such election and any revocation of such election must be provided to the issuing authority within five days after the election or revocation.

(c) No permit will be issued to a property owner or property owner's agent who makes an election under this Section 8-471. No permit fee will be imposed on a property owner or property owner's agent who makes an election under this Section 8-471.

(d) If an election is made under this Section 8-471, the property owner shall pay a fee of $250.00 to the City for each law enforcement response to a false burglar alarm from a police alarm system located at such owner's property requested by an alarm systems monitor.

(e) Notwithstanding anything contained in this article to the contrary, if an election is made under this Section 8-471, the fee(s) payable by the property owner more fully set forth in Section 8-471(d) shall be the only fines, penalties or fees, other than collection fees, payable by such property owner related to the police alarm system for which such election was made.

Secs. 8-472—8-490. Reserved.

DIVISION 3 FIRE ALARMS

Sec. 8-491. Permit required; application, false statements, transferability.

(a) Except as otherwise provided in Subsection (c), a person shall not use or operate a fire alarm system in the City or cause or permit a fire alarm system to be used or operated in the City, regardless of whether the person owns the fire alarm system, without first obtaining a permit from the issuing authority.

(b) Except as otherwise provided in Subsection (c), a person commits an offense if the person uses or operates a fire alarm system or causes or permits a fire alarm system to be used or operated in the City without a valid permit, including but not limited to, during a period when the permit has been suspended or revoked.

(c) Single-family homes and duplexes are exempt from fire alarm permits.

(d) Upon receipt of the required fee and a complete application, the issuing authority shall issue a permit unless there is cause to believe the equipment responsible for initiating an alarm will not be maintained and operated in accordance with this division because the applicant, owner of the subject property or premise, or operator of the fire alarm system, has violated the requirements of this division, including but not limited to previous failure to operate or maintain equipment resulting in suspension or revocation of a permit.

(e) Each permit application must contain the following:

(1) The name, address and telephone number of the person or alarm user representative who will be the permit holder responsible for the proper maintenance of the alarm system, for payment of fees or charges levied under this division, and for service of legal process and citations.

(2) The name, address and telephone number of the certified company that will maintain, service and test the operation of the alarm system.

(3) The name, address and telephone number of three persons who will, on a 24-hour, seven-day a week basis, come to the alarm site within 30 minutes after notified of an alarm activation to terminate the alarm signal and secure the property.

(f) A person commits an offense if the person makes a false statement or misrepresentation of a material fact in an application for an alarm permit or renewal, or while making a change thereto.

(g) An alarm permit cannot be transferred to another person.

(h) A permit holder shall inform the issuing authority of any change that alters information listed on the permit application within 10 days of the change. No fee will be assessed for such changes.

(i) Occupancies with more than one fire alarm control unit will be required to obtain one permit for each fire alarm control unit located within the alarm site.

Sec. 8-492. Other type of alarms.

If innovations in alarm systems or other types of alarm devices adversely affect emergency services in the City, the issuing authority may promulgate rules and regulations in order to protect the City's emergency services.

Sec. 8-493. Fee for permit, duration, renewal.

(a) Permit fee. A nonrefundable permit fee of $50.00 per alarm site with one fire alarm control unit is required for the issuance of a permit. If an alarm site has multiple fire alarm control units, a nonrefundable fee of $50.00 for the first alarm control unit and $10.00 for each additional fire alarm control unit is required. A new fee and permit is required upon a change in ownership or change in occupancy of the property.

(b) Duration and renewal of permit. A permit is issued for one year and must be renewed annually by payment of the fee provided in Subsection (a).

Sec. 8-494. Service fee/false alarms.

(a) If, within a12-month period, three false alarm notifications of any type are emitted from an alarm site, the issuing authority shall assess the permit holder or the person in control of that alarm site a service fee for each subsequent false alarm notification emitted from the alarm site within that 12-month period in accordance with the following chart.

Number of false alarms	Service fee *per occurrence*
1—3	none
4—7	$150.00
8 or more	300.00

(b) The Fire Department officer in charge of responding personnel shall make the initial determination as to whether the alarm notification is false and shall provide a report to the Fire Marshal. The Fire Marshal or his or her designee shall verify the determination as to whether or not an alarm notification is false based upon the report, as well as any additional information that may be provided by the permit holder, within 30 days of the alarm notification.

(c) A permit holder shall pay a fee assessed under this section within 30 days after receipt of notice that it has been assessed.

(d) Failure to pay assessed fees within 30 days constitutes an offense.

(e) Failure to maintain a fire alarm system constitutes an offense. Proof of the emission of more than three false alarm notifications in a 12-month period is prima facie evidence of failure to maintain a fire alarm system.

(f) If all requirements of this article have been met, no false alarm service fee shall be assessed during the first 30 days after the date of installation of a new alarm system, and false alarm notifications during the first 30 days will not be counted in determining when service fees are assessed. For purposes of this subsection, the date of installation is the date the city permit is issued unless a later installation date is determined by the Fire Marshal, based upon documented evidence provided by the permit holder.

Sec. 8-495. Reporting of alarm signals.

A permit holder shall not report alarm signals through a relaying intermediary that is not approved by the Fire Marshal's Office of the State as a fire alarm monitoring company or does not meet the requirements of this article and any additional rules and regulations promulgated by the issuing authority.

Sec. 8-496. Proper alarm system operation and maintenance.

(a) Fire alarm systems shall be maintained in accordance with this article, this Code, state law, including but not limited to the Texas Insurance Code and the Fire Alarm Rules of the State of Texas, and other nationally recognized standards.

(b) A permit holder shall:

(1) Insure the system is installed so that inclement weather will not cause false alarms;

(2) Insure the system is installed in so that pressure changes in water mains or pipes will not cause false alarms;

(3) Insure the system is installed so that electrical power failure or fluctuations will not cause false alarms;

(4) Insure the system is maintained and repaired only by personnel licensed and certified by the State Fire Marshal's Office for fire alarm systems;

(5) Maintain the premises containing an alarm system and the alarm system to insure proper operation of the system at all times;

(6) Provide trained personnel, within 30 minutes after being notified by the City, to reset the alarm system and to provide access to the premises;

(7) Notify the issuing authority whenever any required fire alarm system is placed temporarily out of service and obtain a permit from the Fire Department prior to performing work on the fire alarm system;

(8) Notify a licensed, certified fire alarm company within 24 hours, or immediately upon request from the City, if the system requires maintenance or repair;

(9) Furnish up-to-date information to the Fire Department concerning persons to be notified in case of emergency;

(10) Furnish to the issuing authority, upon request, with satisfactory copies of the alarm operation procedures, maintenance records, tests and up-to-date circuit diagrams of the components of the alarm system; and

(11) Furnish the name, address and telephone number of the certified alarm company, licensed by the State Fire Marshal's Office, responsible on a 24-hour, seven-day a week basis, for correcting any malfunction that may occur.

Sec. 8-497. Inspection and testing.

(a) The issuing authority or his representative may inspect and/or cause the alarm system to be tested at any time during normal business hours.

(b) Inspection, testing and maintenance of the fire alarm system shall be conducted by a certified fire alarm company in accordance with the schedules in the adopted NFPA 72, or more frequently as required by the fire code official for fire safety purposes. Records of the inspection, testing and maintenance shall be maintained at the fire alarm site and available for inspection with the consent of the permit holder or other authorized representative.

(c) Any person, including governmental entities, employing one or more full-time technicians to maintain a fire alarm system on their premises, shall not be subject to the provisions of Subsections 8-496(b)(4), 8-496(b)(8), and 8-497(b), requiring installation, maintenance

and repair of a fire alarm system by a state-licensed fire alarm company, if the owner, occupant and technician(s) comply fully with the following provisions:

(1) The alarm system on their premises shall be installed and maintained in accordance with this article, this Code, state law, including but not limited to the Texas Insurance Code and the Fire Alarm Rules of the State of Texas, and other nationally recognized standards. The technician or a state-licensed alarm company shall respond to a failure or malfunction of the alarm system and shall initiate corrective action within 24 hours.

(2) The owner or occupant shall designate in writing to the Fire Department the specific full-time technician or technicians responsible for the installation, modification, and maintenance of the fire alarm system on their premises. No one other than the designated technician(s) or a state-licensed fire alarm company may work on the fire alarm system.

(3) Prior to qualifying for this exception, evidence of the competence of all designated technicians shall be provided to the Fire Department. Proof that one or more of the following criteria are met shall satisfy the evidence requirement of this section:

a. The technician currently holds or has the immediate proceeding three years, held a State of Texas fire alarm technician license.

b. The technician has passed the State Fire Marshal Fire Alarm technician license test within the last three years.

c. The technician holds a NICET II certification or better.

(4) An individual who once meets the criteria of (c)(3) a., b. or c., shall be deemed to fulfill the requirements of this section as long as the individual maintains continuous employment with the qualifying entity. Should there be a break in employment, the individual will once again be required to meet the criteria of (c)(3) a., b. or c.

(5) The technician shall inspect, test and perform maintenance on the alarm system in accordance with the schedules in the adopted NFPA 72 or more frequently as required by the fire code official for fire safety purposes. Records of the inspection, testing and maintenance shall be maintained at the fire alarm site and available for inspection with the consent of the permit holder or other authorized representative.

Sec. 8-498. Indirect alarm reporting.

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

(1) Send notification of an alarm to the City by human operator;

(2) Report alarms only over a special telephone number or numbers, designated by the issuing authority; and

(3) Furnish the name, address and telephone number of a certified fire alarm company licensed by the State Fire Marshal's Office, responsible on a 24-hour, seven-day a week basis, for correcting any malfunction that may occur.

Sec. 8-499. Direct dial reporting.

(a) Tape dialers are not an approved method of transmitting fire alarms.

(b) Only Digital Communicators, U.L. approved for fire alarm systems, shall be allowed to transmit fire alarms through an approved monitoring company.

Secs. 8-500—8-515. Reserved.

DIVISION 4. VIOLATIONS; HEARINGS

Sec. 8-516. Administrative hearing related to penalty or fee.

(a) A person who has been assessed a penalty or fee under this article may request a hearing by filing with the City Manager a written request for a hearing setting forth the reasons the penalty or fee should not have been assessed. Such request for a hearing shall be made within 10 days after receipt of the notice from the issuing authority that such penalty or fee has been assessed. A hearing shall be held within 30 days after receipt of the request for the hearing unless otherwise agreed to in writing by the person requesting the hearing and the issuing authority. The hearing may be continued by the hearing officer for good cause upon request by either party or upon the hearing officer's own motion. The request for a hearing with the City Manager stays an action of the issuing authority relating to such assessed penalty or fee until the hearing officer makes a final decision. If a request for hearing is not made within the 10-day period, the action of the issuing authority is final.

(b) The City Manager or the City Manager's designee shall serve as the hearing officer at the hearing. Hearings shall be informal. Evidence as admitted in administrative hearings, generally, shall be admissible. The formal rules of evidence do not apply at the hearing. The hearing officer shall make a decision on the basis of a preponderance of evidence presented at the hearing.

(c) The City Manager shall provide a written notice of his or her decision within 10 business days of the hearing date by hand delivery or by U. S. certified mail, return receipt requested. The finding of the hearing officer is final.

Sec. 8-517. Refusal to issue/renew; suspension or revocation for violation; fee.

(a) The issuing authority may refuse to issue or renew, or may suspend or revoke a permit for violation of this article, including but not limited to the grounds specified in this section.

(b) The issuing authority may suspend a permit for failure to pay assessed fees within 60 days of notice or within 30 days after a final decision under Section 8-516.

(c) The issuing authority may suspend, or refuse to issue or renew, a permit for the generation of an excessive number of false alarm notifications in a 12-month period. An excessive number shall be 10 or more false alarm notifications per alarm site with one fire alarm control unit. For an alarm site with multiple fire alarm control units, an excessive number shall be 10 or more false alarm notifications per fire alarm control unit, or four or more false alarm notifications in 30 percent of the total number of fire alarm control units (rounded up) on the alarm site.

(d) A suspension may be lifted or permit renewed upon a sufficient showing that the conditions which caused the suspension or refusal to renew, respectively, have been corrected, and if the issuing authority determines that the alarm system is likely to be maintained and operated in a responsible manner in accordance with the requirements of this article.

(e) If an alarm permit is suspended and the suspension subsequently lifted under Subsection (d), the permit may be reinstated, subject to payment of a $100.00 reinstatement fee.

(f) The issuing authority may revoke a permit if grounds exist for suspension, and the alarm permit for that alarm site was previously suspended within a 12-month period. To obtain a permit after revocation, a new application, inspection and applicable fees are required.

Sec. 8-518. Appeal.

(a) If the issuing authority refuses to issue or renew a permit, or suspends or revokes a permit under this article, the issuing authority shall send to the applicant or permit holder by certified mail, return receipt requested, written notice of the action and a statement of the right to appeal. The applicant or permit holder may appeal the decision of the issuing authority by filing with the City Manager a written appeal request stating the reasons for the appeal, within 10 days after receipt of the notice from the issuing authority. The filing of a request for an appeal hearing with the City Manager stays the action on appeal until the City Manager conducts a hearing and makes a final decision. If a request for appeal is not made within the 10-day period, the action of the issuing authority is final.

(b) The City Manager shall serve as hearing officer at an appeal hearing and consider evidence offered by any interested person. The formal rules of evidence do not apply at an appeal hearing. The City Manager shall make a decision on the basis of a preponderance of evidence presented at the hearing. The City Manager shall provide a written notice of his or her decision within 10 business days of the hearing date by hand delivery or by U.S. certified mail, return receipt requested. The decision of the City Manager is final.

Sec. 8-519. Violation; corporations, partnerships and associations.

(a) A person commits an offense if he or she allows an alarm notification to be emitted from an alarm site that does not have a valid permit.

(b) A person commits an offense if he or she operates an alarm system during a period of suspension or after the issuing authority refuses to issue or renew his permit.

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

(d) In addition to prohibiting or requiring certain conduct on individuals, it is the intent of this article to hold a corporation, general or limited partnership, limited liability company, unincorporated business, organization, association or any other business entity of any kind criminally responsible for acts or omissions performed by an agent acting on behalf of the corporation, general or limited partnership, limited liability company, unincorporated business, organization, association or any other entity of any kind, and within the scope of the agent's employment.

Secs. 8-520—8-540. Reserved.

SECTION 2. That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

SECTION 3. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the validity of the remaining provisions of this ordinance shall not be affected and shall remain in full force and effect.

SECTION 4. That any person (as defined in Chapter 1, Section 1-2 of the Code of the City of Mesquite, Texas, as amended) violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction thereof, shall be subject to a fine not to exceed Five Hundred ($500.00) Dollars for each offense, provided, however, if the maximum penalty provided for by this ordinance for an offense is greater than the maximum penalty provided for the same offense under the laws of the State of Texas, the maximum penalty for violation of this ordinance for such offense shall be the maximum penalty provided by the laws of the State of Texas. Each day or portion of a day any violation of this ordinance continues shall constitute a separate offense.

SECTION 5. That this ordinance shall take effect and be in force from and after five days after publication.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 21st day of August, 2017.

Stan Pickett
Mayor

ATTEST:

Sonja Land
City Secretary

APPROVED:

B.J. Smith
City Attorney