

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 58 “FIRE PREVENTION AND PROTECTION” BY ADOPTING PROVISIONS RELATING TO FIRE ALARM ORDINANCES IN THE CITY LIMITS OF THE CITY OF BEDFORD; BY RENAMING ARTICLE I. “GENERAL” TO ARTICLE I. “GENERAL AND ALARM PERMIT” ENACTING FIRE ALARM REGULATIONS INCLUDING DEFINITIONS, PROVIDING PERMIT REQUIRED, PROVIDING FOR APPLICATION ISSUANCE; PERMIT DURATION AND RENEWAL; PROVIDING THAT ALL ALARM SYSTEMS BE MONITORED AND FOR PROPER ALARM SYSTEM OPERATION AND MAINTENANCE; ; PROVIDING FOR REPORTING ALARM SIGNALS; PROVIDING FOR FIRE ALARM REPORTING AND MONITORING REQUIREMENTS; PROVIDING FOR RECORD KEEPING AND DUTIES OF AN ALARM COMPANY; PROVIDING THAT MANUAL RESET REQUIRED; PROVIDING THAT AUTOMATIC DIALING PROHIBITED; PROVIDING FOR ALARM SYSTEM OPERATING INSTRUCTIONS REQUIRED; PROVIDING FOR SYSTEM PERFORMANCE REVIEWS; PROVIDING FOR REVOCATION OF ALARM PERMIT; PROVIDING FOR APPEAL OF DENIAL OR REVOCATION OF A PERMIT; PROVIDING FOR FORFEITURE OF APPLICATION FEE UPON REVOCATION OF PERMIT; PROVIDING FOR REAPPLICATION FOR PERMIT AFTER REVOCATION; PROVIDING FOR CONFIDENTIALITY OF INFORMATION; PROVIDING FOR EXEMPTION OF CERTAIN GOVERNMENT BODIES; PROVIDING FOR FEESFOR FALSE ALARM NOTIFICATION AND OTHER PENALTIES; PROVIDING FOR IMPLEMENTATION OF CHAPTER AND ESTABLISHING AN EFFECTIVE DATE; REPEALING ALL INCONSISTENT PROVISIONS AND PROVIDING FOR PARTIAL INVALIDITY.

WHEREAS, the City Council of the City of Bedford has determined that there is a need for regulation of fire alarm systems; and

WHEREAS, the City Council of the City of Bedford has determined that there is a need to reduce false alarms from fire alarm systems; and

WHEREAS, the City Council of the City of Bedford has found that the following regulations will promote the health, safety and welfare of the citizens and persons within the City; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEDFORD, TEXAS AS FOLLOWS:

SECTION 1. That all matters stated in the preamble are found to be true and correct and are incorporated herein as if copied in their entirety.

SECTION 2. The following regulations for fire alarms be and are hereby adopted by the City of Bedford and are hereinafter effective within the city limits of the City of Bedford.

SECTION 3. That Section 58-1 of the Code of Ordinances of the City of Bedford be amended by adding the following definitions:

Sec. 58-1. Definitions. For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Chief or Fire Chief means the fire chief of fire of the City of Bedford or designee or department head of the department contracted with to provide fire services to the City of Bedford.

Chief of the bureau of fire prevention means the fire marshal.

Emergency personnel means fire personnel or fire personnel of the City of Bedford or contracted by the City of Bedford.

False alarm notification means the activation of an alarm system that results in notification to city emergency personnel and response by emergency personnel at a time when the responding personnel find no evidence of unauthorized intrusion, attempted unauthorized intrusion, robbery, attempted robbery, or any other violation that the alarm system was intended to report.

Fire alarm sprinkler system is an active fire protection measure consisting of a water supply system, providing adequate pressure and flow rate to a water distribution piping system onto which fire sprinklers are connected.

Fire alarm system means a device or system that emits, transmits, or relays a signal intended to summon, or that would reasonably be expected to summon, emergency personnel of the city, including, but not limited to, local alarms. Alarm system does not include an alarm system designed solely to alert the occupants of a building or residence which will not emit a signal either audible or visible from outside the building or residence.

Fire alarm company means the company that installs, maintains, or repairs the fire alarm system. The fire alarm company that installs the system may or not be the same company that maintains or repairs the system.

Fire alarm notification means a communication intended to summon emergency personnel, which is designed either to be initiated purposely or by the person or by an alarm system that responds to a stimulus characteristic of unauthorized intrusion.

Fire alarm permit holder means a person who has received an alarm system permit, as required by this chapter.

Fire alarm site means a single premises or location (one street address) served by an alarm system or systems. An alarm site will include a multiunit dwelling where the owner of such dwelling provides or makes available an alarm system for his tenants. For purposes of the issuance of a permit, such multiunit dwellings shall be considered one (1) property requiring only one permit.

Fire alarm system user means a person who owns or controls the premises upon which an alarm system is located.

Fire department master key means a limited issue key of special or controlled design to be carried by fire department officials in command of a fire or emergency situation which will open key boxes on commercial properties.

Local alarm – Commercial or Non-residential means an alarm system that emits a signal at an alarm site that is audible or visible from the exterior of a structure at a property used for non-residential uses.

Local alarm - Residential means an alarm system that emits a signal at an alarm site that is audible or visible from the exterior of the structure at a property used for residential uses.

Key box means a secure device with a lock operable only by a fire department master key and containing building entry keys and other keys that may be required for access in an emergency.

Knox box has the meaning set out in the International Fire Code.

Person means an individual, corporation, partnership, association, organization, or similar entity.

Special trunk line means a telephone line leading into the communications center of the fire or fire department that is for the primary purpose of receiving alarm notifications.

SECTION 4. That Chapter 58 of the Code of Ordinance for the City of Bedford, Texas is amended by adding Sections 58-11 through 58-27 as follows:

Sec. 58-11. Permit required; application; issuance.

(a) No person shall operate, cause to be operated, or permit the operation of a fire alarm system unless a valid permit has been issued by the City of Bedford for such system. This requirement is applicable to the property owner, person in control of the property which the fire alarm system is designed to protect and the resident; if applicable... The fire alarm location must possess a valid permit for the fire department to respond to a fire alarm.

(b) A fire alarm system user or his agent shall obtain a permit for each fire alarm site.

(c) Upon receipt of a completed application form, the chief shall issue a fire alarm permit to the applicant unless the applicant has failed to pay a service fee assessed under this chapter or has had an alarm permit for the alarm site revoked, and the violation causing the revocation has not been corrected.

(d) Application. Each permit application must contain the following information:

(1) Form. An application for licenses required by the provisions of this Chapter shall be filed with the Fire Department on a form provided by the Fire Department.

(2) Individual applicant. The property owner shall be included as an applicant on all applications. If the applicant is an individual, the application shall be submitted by such person responsible to be named as the designated permit holder. If the applicant is an individual and does not reside, operate any business or is not employed within the State, then the application must also be submitted by the individual having authority and responsibility for the management and operations of the property for which the alarm permit is sought. If the applicant is a person who is not personally liable pursuant to Section 250.003 of the Local Government Code, then the owner of the property must be the applicant and the permit holder.

(3) Partnership. If the applicant is a firm or partnership, the applications shall be submitted by the person in who owns or is in control of the property and a general partner. If no owner or general partner resides, operates a business or is employed within the State, then the application must also be submitted by the individual having the authority and responsibility for the management and operations at the property where the alarm is located. If the applicant is a partnership, the application shall specify the location of the applicant's principal place of business and must provide information for at least one local contact person. Only one member of the partnership is required to submit the permit application. The names, business addresses and residence addresses of each additional partner shall be provided in the Emergency Contact section of the permit application. The property owner shall be included as an applicant on all applications. If the applicant is a person who is not personally liable pursuant to Section 250.003 of the Local Government Code, then the owner of the property must be the applicant and the permit holder.

(4) Corporation. If the applicant is a corporation and none of its principal corporate officers are responsible for the management and operations of the alarm business within the State, the application shall be submitted by the individual having the authority and responsibility for the management and operations of the alarm business within the State. If the applicant is a corporation, the application shall specify, the location of the applicant's principal place of business, and the registered agent for service for the corporation. If the applicant is a person who is not personally liable pursuant to Section 250.003 of the Local Government Code, then the owner of the property must be the applicant and the permit holder.

(5) The permit application shall include the following information for each permit holder:

- (a) The individual's full name, job title, driver's license number, and residence address;
- (b) The individual's residence and business telephone number;
- (c) The individual's date of birth;
- (d) The name, address, and telephone number of the alarm company, to include the business telephone number and 24-hour contact telephone number.

(8) Each permit application for a business must contain the following information in addition to the requirements for the permit holder as stated above.

- (a) The address of the location of the alarm system site;
- (b) Classification of the alarm system site as residential or non-residential;
- (c) Any other information required by the Fire Department which is necessary for the enforcement of this Chapter.

(e) Any false statement of a material matter made by the applicant for the purpose of obtaining a fire alarm permit shall be sufficient cause for refusal to issue a permit or for revocation of a permit already issued.

(f) A fire alarm permit cannot be transferred to another person. A permit holder shall inform the chief of any change that alters information listed on the permit application within five (5) days of the occurrence of the change.

(g) All fees owed by an applicant must be paid before a permit may be issued or renewed.

(h) Permit fees.

(1) Residential - The fee for a permit issued pursuant to this chapter for a residential property shall be as set out in the City of Bedford fee schedule..

(2) Non-residential/Commercial – The fee for a permit for a non-residential use property shall be as set out in the City of Bedford fee schedule..

(i) Each alarm system site shall display an emblem provided by the Fire Department upon initial receipt of the permit and at each annual renewal

Sec. 58-12. Permit duration and renewal.

A permit is valid, unless revoked, from the date of issuance for one (1) year, upon receipt of the annual fee. A permit will be automatically renewed for a one-year period, unless revoked, upon receipt of the annual fee, unless canceled by the permit holder.

Sec. 58-13. Requirement that all alarm systems be monitored; Proper alarm system operation and maintenance.

(a) All alarm systems are required to be monitored.

(b) A permit holder or fire alarm system user shall:

(1) Maintain the premises containing a fire alarm system in a manner that ensures proper operation of the alarm system;

(2) Maintain the fire alarm system in a manner that will minimize false alarm notifications;

(3) Repair or inactivate a malfunctioning alarm system within five (5) calendar days. A fire alarm system user may present extenuating circumstances regarding additional time required to repair or inactivate a system at any administrative hearing under this chapter;

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

(5) Safeguard the fire alarm system controls in order to prevent others from manually activating the alarm for any reason other than an occurrence of an event that the fire alarm system was intended to report.

(c) A person in control of a residential fire alarm system shall adjust the mechanism or cause the mechanism to be adjusted so that a fire alarm signal will sound for no longer than fifteen (15) minutes after being activated. A property owner or person in control of a non-residential fire alarm system shall adjust the mechanism or cause the mechanism to be adjusted so that the fire alarm signal will sound until reset by City of Bedford fire personnel.

Sec. 58-14. Reporting of alarm signals.

A permit holder or person in control of a fire alarm system shall require fire alarm signals to be reported through a relaying intermediary. A relaying intermediary shall comply with the requirements of this chapter and any rules and regulations promulgated by the fire department, and shall be licensed by the appropriate state agency.

Sec. 58-15. Fire alarm reporting and monitoring requirements.

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

(a) Make notification to the Fire Department immediately when an alarm is activated. After notifying the Fire Department, a human operator shall attempt to call the permit holder or person in control of premises a minimum of two times utilizing different phone numbers.

(b) Report alarm only on special trunk lines designated by the Fire Department., if applicable;

(c) Communicate alarm notifications to the city in a manner and form designated by the chief, including:

(1) Identification of the permit holder;

(2) Identification of the alarm site;

(3) Time dispatched, arrived, and cleared;

(4) date and time of day;

(5) Name of permit holder's representative on the premises, if any, and

(6) Any other applicable information.

Sec. 58-16. Record-keeping and duties of alarm company.

(a) Record-keeping.

(1) A person engaged in the business of selling, leasing, installing, or otherwise distributing fire alarm systems shall maintain records at its place of business which will show the names and addresses of persons to whom an alarm system was sold, leased, installed, or otherwise distributed, as well as the date of such transactions.

(2) All fire alarm businesses or persons shall make records available during regular business hours to the fire department for inspection. The express purpose of this section is to assure that alarm system users are in compliance with this chapter, and not to regulate in any manner any person engaged in the alarm business.

(3) All fire alarm businesses or person shall maintain record of all alarm activities or transmissions in the City of Bedford for one (1) year.

(b) Duties of alarm company.

(1) On the installation or activation of a fire alarm system, a fire alarm system company shall distribute to the occupant the fire alarm system location information summarizing:

a. The applicable state law and municipal ordinance relating to false alarm including this chapter and the potential for penalties and revocation or suspension of a permit;

b. How to prevent false alarm; and

c. How to operate the alarm system.

(2) An alarm system company shall notify the Fire Department of an installation or activation of an alarm system not later than the thirtieth day after the date of the installation or activation. The alarm system company shall provide to the municipality:

a. The alarm system company name;

b. The alarm system company license number;

c. The name of the occupant and property owner of the alarm system location;

d. The address of the alarm system location; and

e. The date of installation or activation.

Sec. 58-17. Manual reset required.

A permit holder or person in control of a fire alarm system which has an automatic resetting device, and which system causes three (3) or more alarm within a twenty-four-hour period, shall manually reset the system.

Sec. 58-18. Automatic dialing prohibited.

No person shall operate or cause to be operated any automatic dialing device which, when activated, uses a telephone device or attachment to automatically select a telephone line leading into the fire department or the city and then transmit any prerecorded message or signal.

Sec. 58-19. Alarm system operating instructions.

A permit holder or person in control of an alarm system shall maintain at each alarm site a complete set of written operating instructions for each alarm system. Special codes, combinations, or passwords need not be included in these instructions.

Sec. 58-20 No exception or defense for other fire requirements; Knox Box requirements.

- (a) Nothing in this chapter or any section concerning the requirement for a business or residence to obtain a permit shall be considered to effect or provide an exception or defense for meeting any other requirements of the adopted Fire Code or other requirements in regard to fire safety.
- (b) All business operations in the City of Bedford are required to have a Knox Box with master keys inside to provide the Fire Department with access to the business in case of a fire or emergency.

Sec. 58-21. System performance reviews. If there is reason to believe that an alarm system is not being used or maintained in the manner that ensures proper operation and suppresses false alarm, the fire department may require a conference with an alarm permit holder system user and the individual or association responsible for maintenance of the alarm system to review circumstances of each false alarm. Notice of the conference will be mailed to both parties at least five (5) days prior to the date of the conference.

Sec. 58-22. Revocation of alarm permit.

- (a) The fire chief may revoke an alarm permit if he determines that:
 - (1) There is any violation of this chapter;
 - (2) There is a false statement of a material matter in the application for a permit.
 - (3) A fire alarm system has generated in excess of twelve (12) false alarm during any twelve-month period;
 - (4) The permit holder has failed to make payment of any fees assessed under this chapter within thirty (30) days of the assessment; or
 - (5) Failure to attend the hearing as provided in the section titled "Appeal of denial or revocation of permit;"
 - (6) Failure to attend the conference as provided in the section titled "System performance reviews."

(b) No person shall operate or cause to be operated, or permit the operation of an alarm system during the period in which an alarm permit is under revocation.

Sec. 58-23. Appeal of denial or revocation of a permit.

(a) If the fire chief refuses to issue or renew a permit, or revokes a permit, applicant or permit holder shall be notified of the action and a statement of the right to an appeal. The applicant or permit holder may appeal the decision of the chief to the city manager or designee by written request for a hearing setting forth the reason for the appeal, within ten (10) days after receipt of the notice of the fire chief. The filing of a request for a hearing with the city manager or designee stays the action of the fire chief as to the denial of a permit or the revocation of a permit until the city manager or designee makes a final decision. If a request for a hearing is not made within the ten day period, the action of the chief is final.

(b) The city manager or designee shall serve as hearing officer at the hearing, and consider evidence by any interested person. 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 the evidence present within thirty (30) days after the request for a hearing is filed. The hearing officer shall affirm, reverse, or modify the action of the chief. The decision of the hearing officer is final as to administrative remedies within the city.

(c) In addition to prohibiting or requiring certain conduct of individuals, it is the intent of this chapter to hold a corporation, partnership, or other associations criminally responsible for acts or omissions performed by an agent acting in behalf of the corporation, partnership, or other association, within the scope of this employment.

Sec. 58-24. Forfeiture of application fee upon revocation of permit.

When the revocation of a permit is final, all permit fees shall be forfeited.

Sec. 58-25. Reapplication for permit after revocation.

(a) Should an alarm system user or his agent, after final permit revocation, desire to reapply for a permit, he shall be required to submit a new permit application, including the required permit fees.

(b) The applicant shall also submit satisfactory proof of compliance with the chapter.

Sec. 58-26. Confidentiality of information.

All information provided by a permit holder pursuant to this chapter shall be confidential to the extent possible under state or federal law and shall be utilized solely by the City of Bedford; provided that said information shall be available to the permit holder.

Sec. 58-27. Exemption of certain government bodies.

The United States government, the State of Texas, or any county government or school district situated within the corporate city limits of the City of Bedford shall comply with the requirements of this chapter; provided however, that they shall be exempt from the payment of permit fees.

Sec. 58-28 . Fees for false alarm notification; other penalties.

(a) Except as provided in subsection (b), the holder of an alarm permit shall pay a false alarm fee in the following amounts:

- (1) For residential alarm users:
 - 1-3 false alarms – no false alarm fee will be charged
 - 4-5 false alarms - \$75.00
 - 6-7 false alarms - \$250.00
 - 8 or more false alarms - \$500.00
- (2) For non-residential alarm users:
 - 1-3 false alarms – no false alarm fee will be charged
 - 4-5 false alarms - \$150.00
 - 6-7 false alarms - \$500.00
 - 8 or more false alarms - \$1,000.00

(b) If a person notifies the fire chief and applies for an alarm permit before the installation of a new alarm system, no service fee will be assessed during the first fifteen (15) days after installation, and false alarm notifications during that period will not be counted in determining when a service fee will be assessed.

(c) Except as provided for in subsections (a) and (b) above, any person in violation of any provision of this chapter shall be subject to a fine not to exceed two thousand dollars (2000.00). Each day shall constitute a separate offense.

SECTION 5. Implementation of chapter. Beginning sixty days (60) days after adoption and publication, this ordinance shall apply to all fire alarm systems in the city.

SECTION 6. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 7. This ordinance shall become effective upon passage and publication in accordance with laws of the State of Texas and the Charter of the City of Bedford.

SECTION 8. That all ordinances or any parts thereof in conflict with the terms of this ordinance shall be and hereby are deemed repealed and of no force or effect; provided, however, that the ordinance or ordinances under which the cases currently filed and pending in the Municipal Court of the City of Bedford, Texas, shall be deemed repealed only when all such cases filed and pending under such ordinance or ordinances have been disposed of by a final conviction or a finding not guilty or nolo contendere, or dismissal.

SECTION 9. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed the maximum permissible by state law and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

SECTION 10. If any section, article, paragraph, sentence, clause, phrase or word in this ordinance, or application thereto, to any person or circumstance, is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity which remaining portions shall remain in full force and effect.

SECTION 11. The fact that the present ordinances and regulations of the City of Bedford, Texas, are inadequate to properly safeguard the health, safety, morals, peace and general welfare of the public creates an emergency which requires that this ordinance become effective from and after the date of its passage and it is accordingly so ordained.

PASSED AND APPROVED on this ____th day of _____, 2010, by a vote of ____ ayes, ____ nays, ____ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

—

Jim Story, Mayor

ATTEST:

APPROVED AS TO FORM:

Michael Wells, Acting City Secretary

L. Stanton Lowry, City Attorney