

ORDINANCE NO. 11-2989

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 FEES FOR 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 Bedford, Texas has determined that there is a need for regulation of fire alarm systems; and,

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

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

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

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

*False alarm* means the activation of an alarm system that results in notification to and response by emergency personnel at a time when the responding personnel find no evidence of fire or smoke warranting an emergency response.

*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 or broadcast 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, such as smoke detectors with no outside notification.

**Fire alarm company** any company that installs, maintains, or repairs the fire alarm system. The fire alarm company that installs the system may or may 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 by the person or by an alarm system that responds to a stimulus characteristic of a fire, such as excessive heat, smoke or similar stimulus.

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

**Fire alarm site- single- occupant** means a single premise or location (one street address) served by an alarm system or systems that are under control of the owner.

**Fire alarm site- multiple occupancy-** means a multi-unit dwelling, premise or location that is served by an alarm system or systems where the owner of such dwelling provides or makes available an alarm system for the tenants. For the purpose of the issuance of a permit, each multi-unit building, but not each apartment if there are multiple apartments in one building, shall be considered one property requiring a 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 or Knox 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.

**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 alarm or monitoring company 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.

(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 or occupant 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 or occupant 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 system within the State, the application shall be submitted by the individual having the authority and responsibility for the management and operations of the alarm system 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 or occupant 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; cell phone number

(c) The individual's date of birth;

(d) The name, address, and telephone number of the alarm company and the monitoring company, if different, to include the business telephone number and 24-hour contact telephone number.

(6) 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) business 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/decals provided by the Fire Department upon initial receipt of the permit and at each annual renewal.

**Sec. 58-12 Proper alarm system operation and maintenance.**

- (a) A permit holder or person in control of an alarm system shall:
  - (1) Maintain the premises containing an alarm system in a manner that assures proper operation of the alarm system;
  - (2) Maintain the alarm system in a manner that will minimize false alarm notification;
  - (3) Respond to or cause a representative to respond within a reasonable period of time, which period shall be designated by the City, when requested by the City to repair or inactivate a malfunctioning alarm system, to provide access to the premises or to provide security for the premises;
  - (4) Not manually activate an alarm for any reason other than the occurrence of an event that the alarm system was intended to report; and
  - (5) Notify the public safety department prior to activating a security or fire alarm for maintenance purposes; and,
  - (6) Notify the fire department and U.L. listed central station prior to any fire drills or tests that may or may not cause the activation of a fire alarm system.
- (b) A permit holder or person in control of a security or fire alarm system shall not utilize any alarm system which causes an audible signal to be emitted continuously or intermittently for more than 30 minutes after being activated or which emits a subsequent alarm without being reset which would constitute a nuisance and a violation of this article.
- (c) A permit holder or person in control of an alarm system shall not allow alarm signals to be reported through a relaying intermediary that does not comply with the requirements of this article and any other chapter of this Code, any rules and regulations promulgated by the chief or fire marshal, or, for a security/fire alarm system, that is not licensed by the state board of private investigators or private security agencies.

**Sec. 58-13. 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. 58-14. Requirement that all alarm systems be monitored; Proper alarm system operation and maintenance.**

(a) All non-residential and multi-family 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. 58-15. Reporting of alarm signals.**

A non-residential or multi-family 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. 58-16. 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 and address of the alarm site;

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

(4) Any other applicable information.

**Sec. 58-17. 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 persons shall maintain record of all alarm activities or transmissions in the City of Bedford for one (1) year. Duties of an alarm company include:

(a) 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:

- (1) 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;
- (2) How to prevent false alarm; and
- (3) How to operate the alarm system.

(b) 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:

- (1) The alarm system company name;
- (2) The alarm system company license number;
- (3) The name of the occupant and property owner of the alarm system location;
- (4) The address of the alarm system location; and
- (5) The date of installation or activation.

**Sec. 58-18. 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. 58-19. 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. 58-20. 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. 58-21** 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 Non-Residential operations in the City of Bedford where an alarm system is present 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. 58-22.** 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 alarms, 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. 58-23.** 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 alarms during any 365 day period;
  - (4) The permit holder has failed to make payment of any fees assessed under this chapter within thirty (30) days of the assessment;
  - (5) Failure to attend the hearing as provided in the section titled "Appeal of denial or revocation of permit;" or,
  - (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. 58-24.** Appeal of denial or revocation of a permit.

(a) If the fire chief refuses to issue or renew a permit, or revokes a permit, the applicant or permit holder shall be notified of the action and provided 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. 58-25. Forfeiture of application fee upon revocation of permit.**

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

**Sec. 58-26. 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. 58-27. 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. 58-28. 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. 58-29. 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 based upon the number of false alarms in a 365 day period in the following amounts:

(1) For alarm users in non multi-family residential units of three residential units or less:

1-3 false alarms – no false alarm fee will be charged

4-5 false alarms - \$75.00 for each false alarm in this range.

6-7 false alarms - \$250.00 for each false alarm in this range.

8 or more false alarms - \$500.00 for each false alarm in this range.

(2) For alarm users in non-residential and multi-family residential (four or more residential units):

1-3 false alarms – no false alarm fee will be charged

4-5 false alarms - \$150.00 for each false alarm in this range.

6-7 false alarms - \$500.00 for each false alarm in this range.

8 or more false alarms - \$1,000.00 for each false alarm in this range.

(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 8th day of March, 2011, by a vote of 7 ayes, 0 nays, and 0 abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

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Jim Story, Mayor

**ATTEST:**

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Michael Wells, City Secretary

**APPROVED AS TO FORM:**

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Stan Lowry, City Attorney