

City of Houston, Texas, Ordinance No. 2017-960

AN ORDINANCE AMENDING ARTICLE III OF CHAPTER 11 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO CONSOLIDATION OF RESIDENTIAL BURGLAR ALARM PERMITS, TRANSFER OF BURGLAR ALARM PERMITS, REFUND OF BURGLAR ALARM PERMIT FEES AND FALSE ALARM PENALTIES; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, the City believes that more than 100,000 housing units in the City of Houston were damaged as a result of flooding caused by Hurricane Harvey; and

WHEREAS, many City of Houston residents who hold burglar alarm permits were displaced by the destruction caused by Hurricane Harvey; and

WHEREAS, the City seeks to provide relief where possible to City of Houston residents who are affected by a disaster; and

WHEREAS, the Administrative and Regulatory Affairs Department believes that a burglar alarm permit holder who has been displaced from his or her residence due to a disaster that has caused the residence to become uninhabitable within 30 days of purchasing the permit should be allowed to seek a refund of their permit fee; and

WHEREAS, the Administrative and Regulatory Affairs Department believes that a burglar alarm permit holder who has been displaced from his or her residence due to a disaster should be allowed to transfer the permit to a temporary or new residence; and

WHEREAS, Hurricane Harvey triggered numerous false burglar alarms and a future hurricane or similar disaster is also likely to trigger a large number of false burglar alarms; and

WHEREAS, nearly all residential burglar alarms have a panic alarm feature; and

WHEREAS, applicants for a burglar alarm permit are often unaware of their alarm system's panic alarm feature; and

WHEREAS, the Houston Police Department received in excess of 2095 false panic alarm calls for service in FY2017 that resulted in the holder of the burglar alarm permit receiving a penalty for being non-permitted because they did not have an appropriate panic alarm permit; and

WHEREAS, the Administrative and Regulatory Affairs Department believes combining the current burglar alarm permit and burglar alarm with panic alarm permit

into a single permit will reduce the number of citations issued for non-permitted burglar alarm systems; **NOW, THEREFORE,**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:

Section 1. That the findings contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. That the definition of the term *false alarm* in Section 11-51 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“*False alarm* means an alarm notification generated when an emergency of the kind for which the alarm system was designed did not in fact exist and a response is made by the police department within thirty minutes of the alarm notification and the police department determines from an inspection of the interior or exterior of the premises that the alarm was false. The term *false alarm* does not include an alarm caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to the control of a permit holder. A false alarm is deemed to have occurred at the moment HEC receives the alarm notification.”

Section 3. That Subsection (c) of Section 11-62 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"(c) *Refunds.* A permit holder who, within the first 30 days of the current permit term, vacates his alarm site because it has become uninhabitable as a result of violent conditions of nature or other extraordinary circumstances not reasonably subject to the control of the permit holder may receive a refund of the permit fee upon request submitted in writing or by email. No refund of any other fee paid pursuant to this article shall be made by the city for any reason except as follows:

- (1) Duplicate payments;
- (2) Payments clearly intended for another purpose; or
- (3) Payments submitted for alarm systems located outside the city limits."

Section 4. That Section 11-63 of the Code of Ordinances, Houston, Texas, is hereby amended by replacing it with new Sections 11-63 and 11-63.1 that read as follows:

"Sec. 11-63. Same—Transfer.

(a) *Residential alarm permits.* A permit holder who relocates his residence may transfer a valid and current residential alarm permit to the new residential alarm site at no expense by submitting updated alarm permit application information to the department in writing or by email. Residential alarm permits are not transferable for any other reason.

(b) *Non-residential alarm permits non-transferable.* Non-residential alarm permits are not transferable to any other person, premises, alarm system or alarm subscriber. Each alarm permit shall be valid only for the permit holder, alarm site and alarm system as they existed when the alarm permit was originally issued, and the alarm permit shall terminate immediately upon change of any such items or persons. If the permit holder voluntarily or involuntarily ceases to have ownership, leasehold, possession or management rights to the alarm site, or upon revocation or expiration of the alarm permit, the alarm permit shall terminate, and a new alarm permit must be applied for and a new alarm permit fee paid as required by this article.

Sec. 11-63.1. Same—Re-application required following revocation or termination.

(a) *Effect of termination of alarm permit.* Upon termination of the alarm permit and before a new alarm permit is issued for that alarm site, the provisions of this article concerning a non-permitted alarm system shall apply.

(b) *Liability of permit holder.* If the permit holder fails to deliver written notice of the cessation of the permit holder's rights in the alarm site to the department at least 30 days prior to such cessation of rights, he shall remain liable as if he were a person-in-control of the alarm site, for all subsequent fees and penalties, jointly and severally with any other persons liable as provided in this article, until a new alarm permit is issued for an alarm system at the alarm site."

Section 5. That Item (9) of Section 11-64 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“(9) At least 30 days prior to relinquishing control of the alarm site, deliver written notice of cancellation or transfer, as applicable, of the alarm permit to the department.”

Section 6. That Subsection (i) of Section 11-68 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"(i) *Authority of director.* The director shall have the discretion at any time prior to the hearing to reverse a determination that an alarm was false or generated by a non-permitted alarm system if the records clearly establish the alarm was:

- (1) Not in fact false or generated by a non-permitted alarm system; or
- (2) Generated by or as a result of disaster for which the mayor has declared a state of disaster and emergency exists."

Section 7. That, effective February 1, 2019, Subsection (a) of Section 11-62 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"(a) *Residential alarm site.* The fees for a new or renewal alarm permit for a residential alarm site are stated for this provision in the city fee schedule. For purposes of this subsection, a burglar alarm system with a remote control that may be used to trigger the alarm shall not be deemed a panic alarm system. The fees charged for burglar alarm permits under this subsection are subject to a state law maximum amount and shall not be subject to the annual fee increase under section 1-13 of this Code."

Section 8. That, effective February 1, 2019, the City Council hereby terminates the Residential Burglar Alarm Permit fee category under Section 11-62 of the Code of Ordinances, Houston, Texas, renames the Residential Burglar with Panic Alarm Permit fee category the Residential Burglar Alarm Permit and sets the alarm permit fee for any residential burglar alarm site, whether or not it includes a panic alarm system, at \$50. The Director of Finance shall make the changes shown below to the City Fee Schedule:

NAME	DESCRIPTION	STATUTORY AUTHORITY	AMOUNT
Burglar Alarm Permit	Residential Burglar Alarm Permit	11-62(a)	\$39.14
Burglar Alarm Permit	Residential Burglar with Panic Alarm Permit	11-62(a)	\$50.00

Section 9. That the City Attorney is hereby authorized to direct the publisher of the Code of Ordinances, Houston, Texas, (the "Code") to make such nonsubstantive changes to the Code as are necessary to conform to the provisions adopted in this Ordinance, and also to make such changes to the provisions adopted in this Ordinance to conform them to the provisions and conventions of the published Code.

Section 10. That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 11. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and, except as otherwise

specifically provided in **Section 7**, shall take effect immediately upon its passage and approval by the Mayor.

PASSED AND APPROVED this 13th day of December, 2017.

Sylvester Turner
Mayor of the City of Houston

Prepared by Legal Dept. _____
JWG:asw 12/08/2017 Assistant City Attorney
Requested by Tina Paez, Director, Department of Administration and Regulatory Affairs
L.D. File No. 0371700155001