

AN ORDINANCE AMENDING CHAPTER 8, "BUSINESSES AND AMUSEMENTS", BY AMENDING ARTICLE 8.11, "BURGLAR AND ROBBERY ALARMS", TO THE CODE OF ORDINANCES OF THE CITY OF LUBBOCK, TEXAS, IN REGARD TO REGULATING ALARMS MEANT TO SUMMON EMERGENCY PERSONNEL; PROVIDING PERMITS FOR SUCH; PROVIDING FOR PROPER SYSTEM OPERATION FOR SUCH; PROVIDING FOR REPORTING AND MONITORING OF SUCH; PROVIDING FOR RECORD KEEPING OF SUCH; PROVIDING FOR SERVICE FEES FOR FALSE ALARMS; PROVIDING FOR REVOCATION OF SUCH PERMITS; PROVIDING FOR EXEMPTION OF CERTAIN GOVERNMENTAL BODIES; PROVIDING FOR VIOLATIONS AND PENALTIES; PROVIDING FOR IMPLEMENTATION DATE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR PUBLICATION.

WHEREAS, the City Council of the City of Lubbock, Texas, deems it in the best interest of the health, safety, and welfare of the citizens of Lubbock to amend the Code of Ordinances to regulate alarm systems intended to summon police services and personnel, and to provide for permitting of such.

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

SECTION 1. THAT Article 8.11 of the Code of Ordinances, City of Lubbock, Texas, is hereby amended to read as follows:

ARTICLE 8.11 ALARM SYSTEMS

Sec. 8.11.001. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- (a) *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: (1) An alarm installed on a motor vehicle; (2) Any device or system designed solely to detect or give notice of fire, smoke, or water flow; or (3) 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.
- (b) *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.

(c) *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 property requiring only one permit.

(d) *Alarm system user* means a person who owns or controls the premises upon which an alarm system is located.

(e) *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.

(f) *Chief* means the chief of police of the City of Lubbock or designee, authorized agent, or a third-party contractor procured in accordance with any applicable laws of the State of Texas to perform any activity related to this Article 8.11.

(g) *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.

(h) *Alarm permit holder* means a person who has received an alarm system permit, as required by this chapter.

(i) *Person* means an individual, corporation, partnership, association, organization, or similar entity.

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

(k) *Emergency personnel* means police personnel or fire personnel of the City of Lubbock.

Sec. 8.11.002. Permit required; application; issuance.

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

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

(c) Upon receipt of a completed application form, the chief shall issue an 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) Each permit application must contain the following information:

- (1) Name, address, and telephone numbers of the person who will be the permit holder and be responsible for the proper maintenance and operation of the alarm system and payment of fees assessed under this chapter.
- (2) The street address of the property on which the alarm system is to be installed and operated;
- (3) Classification of the alarm site as either residential or commercial
- (4) Any business name or title used for the premises on which the alarm system is to be installed;
- (5) The name, address, and telephone numbers of one other person to respond to an alarm in the event the permit holder is unavailable.
- (6) Any other information required by the chief which is necessary for the enforcement of this chapter; and
- (7) Name, address, and telephone number of alarm monitoring company, if any.

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

(f) An 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) All associated fees for obtaining an alarm permit shall be set by the current fiscal budget of the city. If no fee is established by budget ordinance, the fee for a permit issued pursuant to this chapter shall be an annual fee of fifty dollars (\$50.00) per year for each alarm site, except that permit holders sixty-five (65) years of age or older shall pay twenty-five dollars (\$25.00) for an annual fee and renewals.

(i) 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. 8.11.003. Permit duration and renewal.

A permit is valid, unless revoked, from the date of issuance for one 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. 8.11.004 Proper alarm system operation and maintenance.

- (a) A permit holder or alarm system user shall:
 - (1) Maintain the premises containing an alarm system in a manner that ensures proper operation of the alarm system;
 - (2) Maintain the alarm system in a manner that will minimize false alarm notifications;
 - (3) Repair or inactivate a malfunctioning alarm system within fifteen (15) calendar days. A permit holder 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 an alarm for any reason other than an occurrence of an event that the alarm system was intended to report; and
 - (5) Safeguard the 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 alarm system was intended to report.
- (b) A person in control of an alarm system shall adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal will sound for no longer than fifteen (15) minutes after being activated.

Sec. 8.11.005. Manual reset required.

A permit holder or persons in control of an alarm system which has an automatic resetting device, and which system causes three (3) or more alarms within a twenty-four (24) hour period, shall manually reset the system.

Sec. 8.11.006. Reporting or alarm signals.

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 chapter and any rules and regulations promulgated by the chief: or is not licensed by the appropriate state agency.

Sec. 8.11.007. Alarm reporting and monitoring requirements.

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

- (1) Make notification by a human operator only after attempting to call the permit holder or person in control of premises a minimum of two times utilizing different phone numbers prior to reporting the alarm response to the police department.
- (2) Report alarms only on special trunk lines designated by the chief;
- (3) Communicate alarm notifications to the city in a manner and form designated by the chief.

Sec. 8.11.008. Record-keeping and duties of Alarm Company.

(a) Record-keeping.

- (1) A person engaged in the business of selling, leasing, installing, or otherwise distributing 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) Said alarm businesses or persons shall make said records available during regular business hours to the chief 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.

(b) Duties of Alarm Company.

- (1) On the installation or activation of an alarm system, an alarm system company shall distribute to the occupant the alarm system location information summarizing:
 - a. The applicable state law and municipal ordinance relating to false alarms, including this chapter and the potential for penalties and revocation or suspension of a permit;
 - b. How to prevent false alarms; and
 - c. How to operate the alarm system.
- (2) An alarm system company shall notify the municipality in which the alarm system is located of an installation or activation of an alarm system not later than the 30th 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 of the alarm system location;
- d. The address of the alarm system location; and
- e. The date of installation or activation.

Sec. 8.11.009. 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 police department or the city and then transmit any prerecorded message or signal.

Sec. 8.11.010. 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. 8.11.011. Alarm dispatch records.

(a) Emergency personnel responding to a dispatch resulting from an alarm system notification shall record such information as necessary to permit the chief to maintain records, including, but not limited to, the following information:

- (1) Identification of the permit holder;
- (2) Identification of the alarm site;
- (3) Time dispatched, arrived, and cleared;
- (4) Time of day, date;
- (5) Weather conditions; and
- (6) Name of permit holder's representative on the premises, if any.

(b) Responding personnel shall indicate on the dispatch record whether the notification was caused by a false alarm.

Sec. 8.11.012. 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 chief may require a conference with an alarm permit holder 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 the permit holder at least ten (10) days prior to the date of the conference.

Sec. 8.11.013. Service fee; false alarm notification.

(a) All associated service fees shall be set by the current fiscal budget of the city. If no fees are established by budget ordinance, the following fees shall apply: Except as provided in subsection (b), the holder of an alarm permit shall pay a service fee of fifty dollars (\$50.00) for each false alarm notification emitted from an alarm site that is in excess of three (3) but fewer than six (6); seventy-five dollars (\$75.00) for more than five (5) but less than eight (8); one hundred dollars (\$100.00) for eight (8) or more false alarm notifications during any twelve (12) months. If the holder of the alarm permit disputes the false alarm finding, the holder may contact the chief to dispute the finding within ten (10) days after notice of the service fee was mailed.

(b) If a person notifies the 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.

Sec. 8.11.014. Revocation of alarm permit.

The 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) An alarm system has generated in excess of twelve (12) false alarms during any twelve (12) 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 conference provided for in section 8.11.012.

Sec. 8.11.015. Appeal of denial or revocation of a permit.

(a) If the 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 chief. The filing of a request for a hearing with the city manager or designee stays the action of the 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 (10) 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. 8.11.016. Forfeiture of application fee upon revocation of permit.

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

Sec. 8.11.017. 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. 8.11.018. 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 Lubbock; provided that said information shall be available to the permit holder.

Sec. 8.11.019. 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 Lubbock shall comply with the requirements of this chapter; provided however, that they shall be exempt from the payment of fees.

Sec. 8.11.020. Penalties.

Any person in violation of any provision of this chapter shall be subject to a fine not to exceed five hundred dollars (\$500). Each day shall constitute a separate offense.

Sec. 8.11.021 Implementation of article

This article shall be effective and enforceable on October 1, 2025. All permit fees are waived until that effective date. No other fines, fees, penalties, or false alarm notifications governed by this article and prescribed herein may be assessed prior to that effective and enforceable date. All permits in existence prior to that date shall be incorporated into the administration requirements of this article, shall expire as set forth when said permit was issued, and are then subject to the renewal processes governed by this article.

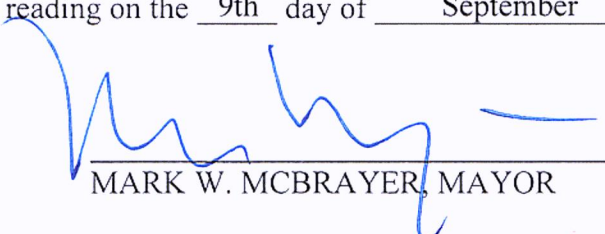
SECTION 2. THAT should any paragraph, section, clause, phrase, or word of this article be declared unconstitutional or invalid for any reason, the remainder of the article shall not be affected thereby.

SECTION 3. THAT the City Secretary of the City of Lubbock, Texas, is hereby authorized and directed to cause publication of the descriptive caption of this article as an alternative means of publication provided by law.

AND IT IS SO ORDERED.

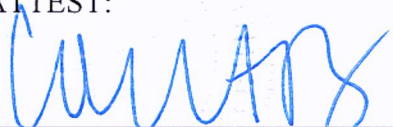
Passed by the City Council on first reading on the 26th day of August, 2025.

Passed by the City Council on second reading on the 9th day of September, 2025.



MARK W. MCBRAYER, MAYOR

ATTEST:



Courtney Paz, City Secretary

APPROVED AS TO CONTENT:



Seth Herman, Chief of Police

APPROVED AS TO FORM:



Ryan Brooke, Senior Assistant City Attorney