

PHARR FIRE PREVENTION
RECEIVED

APR 07 2010

ORDINANCE NO. O-2010-18

SIGNATURE REQUIRED

THIS AMENDMENT IS FOR THE PRESENT PHARR FIRE ALARM ORDINANCE NO. 0-83-28 TO BE SEPARATED FROM THE CURRENT ONE AND PROPOSED HELD BY THE PHARR FIRE DEPARTMENT. THIS CHANGE WILL ALLOW THE PHARR FIRE DEPARTMENT TO REGULATE THE OPERATION OF THE FIRE ALARMS WITHIN THE CORPORATE LIMITS OF THE CITY; REQUIRING COMPLIANCE BY EXISTING ALARM SYSTEM; REQUIRING APPLICATION, PERMIT AND PERMIT FEE; PROVIDING FOR APPEAL; PROHIBITING TELEPHONE RECORDS MESSAGE ALARMS; REQUIRING COMPATABILITY OF ALARM CONNECTIONS WITHIN CITY EQUIPMENT, AND THE INSTALLATION OF CENTRAL ALARM COUNCIL; LIABILITY; PROVIDING THE PAYMENT OF FALSE ALARM RESPONSE FEES AND ALARM MODULE REMOVAL: FEE PROVIDED THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCE HERETOFORE ENACTED BY SAID CITY DECLARING AN EMERGENCY: PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE:

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF PHARR, TEXAS:

SECTION 1. AUTHORITY: This Ordinance shall be known as the Pharr Fire Alarm Ordinance. Authority for the provisions contained herein are granted to the City of Pharr, Texas from Chapter 214, Subchapter F, Section 214.191 of the Texas Local Government Code; and the Adopted 2003 Fire Code including all appendices prepared by the ICC (International Code Council)

SECTION 2. From and after the effective date of this Ordinance, any person, firm, or corporation causing to be operated permitting the operation of a fire alarm which is subject to the terms of this Ordinance, as herein below provided, shall be governed by the provisions hereof.

SECTION 3. All fire alarms operated or permitted to be operated within the corporate limits of the City of Pharr that transmit an alarm, electronically or telephonically, to the Pharr Fire Department, or to an alarm company or monitors regardless of its location, are governed by the terms of this Ordinance. Any such alarm system in existence on the effective date this Ordinance shall be brought into conformity herewith within forty-five (45) days from the effective date hereof. This Ordinance shall not apply to alarm systems that, when activated, either turn on lights or emit loud noises or both, without any telephonic or electrical impulse being transmitted to the Pharr Fire Department or to an alarm company, corporation, or monitor regardless of its location, in connection therewith.

SECTION 4. No person, firm or corporation shall operate, cause to be operated or permit the operation of any alarm system covered by this Ordinance within the corporate limits of the City of Pharr without a permit being issued therefore by the Fire Chief. This subsection also applies to an alarm system business which monitors, services, or monitors and services an alarm system installed and designed to protect property under the control of a person other than the alarm system business.

SECTION 5. The applicant for such a permit shall file an application for permit on a form provided by the Fire Chief, and shall also pay an application fee of **\$40.00**. The Fire Chief shall act on said application and either grant or deny such permit, but, in any event, such application fee shall be non-refundable, being designed to cover the costs of administration. Alarm systems in existence on the effective date of this Ordinance shall be required to apply for a permit, but shall be charged a renewal fee of **\$30.00**, as hereinafter provided, in lieu of the fee provided upon the original application for permit. All permits shall expire one full year after date of issuance of such permit.

SECTION 6. In granting or denying such a permit, the Fire Chief shall be guided by the terms of this Ordinance and Regulations promulgated hereunder, and any such Regulations proposed by the Fire Chief shall be specifically approved by the City Commission before becoming effective. In the event an application for permit hereunder is disapproved by the Fire Chief, the applicant shall have a right of appeal to the City Commission by filing written notice of appeal with the City Clerk within ten (10) days from the date of written notification of such action. The City Commission shall either affirm or reverse the action of the Fire Chief, or may reverse such action subject to applicant's satisfaction of certain conditions subsequently imposed by the City Commission. In any event, the action of the City Commission shall be final and Non-appealable.

SECTION 7. No alarm system which transmits a telephonic recorded message over telephone lines shall be permitted.

SECTION 8. The permit granted for the operation of an alarm system shall be effective for one full year as of the date of issuance and may be renewed annually by the permittee upon payment of a renewal fee of thirty and no/1 00 (**\$30.00**) dollars.

SECTION 9. A permit shall be required for each separate module and permit application and renewal fees shall be calculated on a per module basis.

SECTION 10. Alarm Response Liability. The Pharr Fire Department, the City of Pharr, Texas, and the individual members of the Board of Commissioners of the City of Pharr and the Mayor of the City of Pharr, shall not be held liable or accountable in damages to the premises subject of the alarm as a result of any act or acts of the Fire

Departments in response to a false alarm. Such liability shall be the responsibility of the person, firm, or corporation who is operating, causing to be operated, or permitting the alarm to be operated.

SECTION 11. False Alarms, False Alarm Limitations, and False Response Fees.

11.1 General. Fees will be assessed to commercial establishments for excessive false alarms in accordance with Section 11 of this Section.

11.2 Definitions. For the purpose of this Section the following definitions shall apply according to Section 902, Definitions, of the Fire Code.

11.3 False alarm. For the purpose of this section, a false alarm is defined as an alarm which causes the emergency response by the fire department and which is initiated by one (1) of the following:

1. A fire alarm system malfunction.
2. Improper maintenance of a fire alarm or an automatic fire suppression system.
3. Improper use or misuse of a fire alarm system or an automatic fire suppression system.
4. Damage to a fire alarm system or automatic fire suppression system due to carelessness while performing other procedures in the building.
5. The initiation of a fire alarm system during construction, painting, or other procedure in which care should have been taken to protect initiating devices from sending a false signal.

11.3 Procedure. The procedure used to assess false alarm complaints and application of the fees contained herein will be in accordance with Section 11.3.

11.3.1 Review of Incident Reports. False alarm incidents will be reviewed by the Fire Prevention Bureau on a regular basis to determine if those incidents meet the criteria stated in Section 11.2.1 of this Section.

11.3.2 Notification. Upon the review of a false alarm incident report, a member of the fire prevention bureau will verify the validity of the complaint. The owner or manager of the premises and the (ALARM COMPANY) in question will then be issued a written notice to take measures to correct any problem that may be causing the false alarms. The notice will state that future false alarms at the referenced address, which occur within a one (1) month period of the original complaint, will cause the owner or manager of the establishment or (THE ALARM COMPANY) to be invoiced in accordance with Section 11.4 of this Section, Fees.

11.3.3 Invoice for false alarms. An invoice will be mailed to any establishment (ALARM COMPANY) MONITORING THE BUILDING OR BUSINESS for all reported false alarms which occur after the written notification in accordance with Section 11.3.2 of this appendix is issued, and which occur before a period of one (1) month has passed since the written notification. The invoice will be in accordance with Section 11.4 of this Section, Fees.

11.4 Fees. A fee in accordance with Table 11.1 will be assessed for each false alarm reported to the Fire Prevention Bureau after written notification is issued in accordance with Section 11.3.2 of this Section.

Table 11.1

TABLE INSET:

Number of False Alarms in a 1 Month Period	Fee Amount
1--3	No Fee /Warning Only
4	\$50.00
5	\$75.00
6	\$100.00
7	\$125.00
8 or more	\$150.00

SECTION 14 OVERPAYMENT OF FEES

12.1 Overpayment of fees. All business owners requesting reimbursement of overpayments on inspection fees must notify the fire department no later than one (1) year from the actual date of inspection. Requests must be written and mailed to Pharr Fire Administration – 118 So. Cage Blvd. 3rd. floor, Pharr, TX 78557. Telephone requests will not be accepted. The request must contain appropriate documentation of overpayment, such as copies of both sides of the canceled check. Requests must include the business name, address (including suite number if applicable) and a contact person's name and telephone number.

SECTION 13. Cumulative Clause. This Ordinance shall be cumulative of all other Ordinances dealing with the same subject and any other Ordinance in direct conflict with this Ordinance is herewith repealed and this Ordinance shall supersede any provisions in conflict herewith; all other provisions of the above-described Ordinance shall remain in full force and effect.

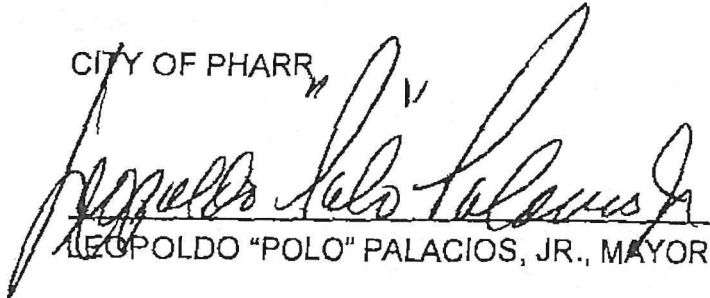
SECTION 14. Emergency Clause. The importance of the subject matter hereof creates an emergency and an imperative public necessity requiring the suspension of the rule that Ordinance be read on three (3) separate days, and such rule is hereby Suspended and said requirement is dispensed with by a vote of not less than majority of all the members of the Board of Commissioners.

SECTION 15, Maintenance Clause: In order to maintain all fire alarm systems in optimal operations and in working order, all fire alarm systems shall be tested and certified semi-annually (every 6 month) in an attempt to reduce and minimize false alarms activations. This test and re-certification shall be done by a fire alarm company licensed by the State of Texas.

SECTION 16. PUBLICATION; EFFECTIVE DATE: The Ordinance shall take effect and be in force from and after its passage and approval on three (3) separate readings in accordance with Section 8, Article 3 of the Charter of the City of Pharr, Texas but no sooner than **June 1, 2010**. Publication may also be in caption form as allowed under Section 9 of the Pharr City Charter.

PASSED AND APPROVED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF PHARR, TEXAS, on the first reading on this the 16th day of February, 2010, A.D.

CITY OF PHARR

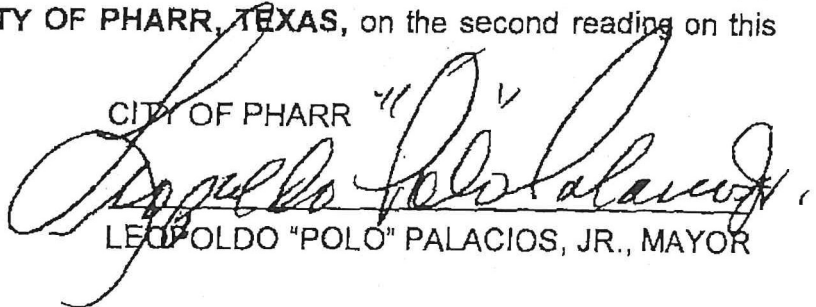

LEOPOLDO "POLO" PALACIOS, JR., MAYOR

ATTEST:


HILDA PEDRAZA, CITY CLERK

PASSED AND APPROVED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF PHARR, TEXAS, on the second reading on this 2nd day of March, 2010, A.D.

CITY OF PHARR

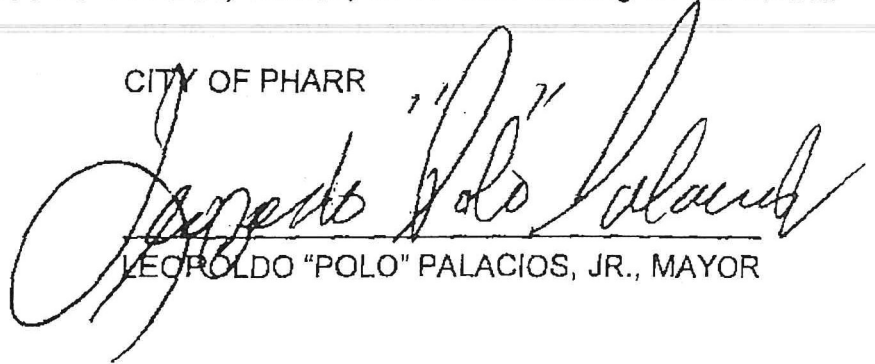

LEOPOLDO "POLO" PALACIOS, JR., MAYOR

ATTEST:


HILDA PEDRAZA, CITY CLERK

PASSED AND APPROVED BY THE BOARD OF CITY
COMMISSIONERS OF THE CITY OF PHARR, TEXAS, on the third reading on this the 6th
day of April, 2010, A.D.

CITY OF PHARR

A large, stylized handwritten signature in black ink, appearing to read "Leopoldo Polo Palacios".

LEOPOLDO "POLO" PALACIOS, JR., MAYOR

ATTEST:

A handwritten signature in black ink, appearing to read "Hilda Pedrza".

HILDA PEDRZA, CITY CLERK