



**This document sets forth the False Alarm Policy of
Harris County Emergency Services District No. 29**

A. DISTRICT FINDINGS:

1. A false fire alarm is a menace and endangerment event. Both the public and responding fire and other emergency personnel are subjected to needless danger when the fire and other emergency personnel are called on to respond to false alarms. In addition, the fire and other emergency personnel responding to false alarms are not available to carry out other duties, including responding to true emergencies and actual fire alarms. In the interest of limiting unnecessary use and exhaustion of physical and human resources effectively and efficiently, the number of false alarms must be reduced.

2. Chapter 775, Texas Health & Safety Code, Section 775.040, provides “A district, or a person authorized by contract on the district's behalf, may charge a reasonable fee for emergency services performed for or on behalf of a person or entity, including a fee for responding to a false alarm or for a fire code inspection”.

B. PURPOSE AND OBJECTIVES

1. Purpose of Policy: The purpose of this Policy is to reduce false fire alarms in the jurisdictional territory of Harris County Emergency Services District No. 29, and thereby to promote public health, safety and welfare; to protect lives and property; to preserve and prolong the life of emergency response apparatus; and to reduce unnecessary demand and strain on emergency services responders of the District and other fire suppression agencies.

2. Objectives of Policy: The objectives of this Policy are to encourage alarm users and alarm businesses (including, but not limited to, sales, installation, and/or monitoring businesses) to maintain the operational reliability and the proper use of alarm systems so as to limit unnecessary fire and emergency medical responses to false alarms and alarm malfunctions.

C. DEFINITIONS

In this Policy, the following definitions shall apply:

1. Alarm System: “Alarm system” means any mechanical, electrical, or radio-controlled device or system which is designed to emit, transmit or relay a signal or message and which, when activated, is intended to summon, or that which would reasonably be expected to summon fire or emergency medical services of the Fire Department. Alarm system includes a device that emits, transmits or relays a signal or message to a private alarm company, to an emergency dispatcher, to a 911 operator and/or dispatcher or to a private person, such signal or message of which is then relayed or in any other way forwarded to the District’s Fire Department.



HARRIS COUNTY EMERGENCY SERVICES DISTRICT NO. 29

District Policies

False Alarm Policy

DP-010

Alarm system does not include:

- (a) An alarm installed on a vehicle, unless the vehicle is permanently located at the premises; or
- (b) An alarm designed to alert by siren only the inhabitants of a residential or commercial premises, and the sounding of which siren does not go beyond the interior of the premises.

2. District: "District" means Harris County Emergency Services District No. 29, a political subdivision of the State of Texas, operating under Chapter 775, Texas Health & Safety Code.

3. False Fire Alarm: "False fire alarm" (hereinafter referred to as "false alarm") means the receipt by the Fire Department of an audio or visual alarm or signal from an alarm system set off by causes other than the occurrence of a fire and regardless of whether willful, intentional or unintentional, and the receipt of which audio or visual alarm or signal from an alarm system results in a response by the Fire Department and/or any member (paid or volunteer) and which upon investigation reveals no evidence or indication of:

- (a) Smoke, smoke damage or any other visible sign of fire;
- (b) An unauthorized entry or the commission of an unlawful act in relation to the premises protected by the Alarm System; or
- (c) An emergency or hazardous situation.

False alarms shall include negligently or accidentally activated signals; signals which are the results of faulty, malfunctioning or improperly installed or maintained equipment; signals which are purposely activated to summon the Fire Department in non-emergency situations; and alarms for which the actual cause cannot be determined by the Fire Department.

The definition of false alarm in this Policy is not controlled by any definition, whether in harmony with this Policy or not, that may be contained in Texas Penal Code, Sections 22.07 (Terroristic Threat); 28.02 (Arson); 37.08 (False Report to Peace Officer or Law Enforcement Employee); 38.02 (Failure to Identify); 42.06 (False Alarm or Report).

4. Fire Department: "Fire Department" means the Harris County Emergency Services District No. 29/Champions Emergency Services District and any other fire suppression agency of or associated with the District. The term "Fire Department" shall also mean any member, employee or officer of such District or the District's Fire Department.

5. Premises: "Premises" means any building, structure, enclosure, or real property.

6. Response: "Response" means the departure of any Fire Department vehicle from the driveway of a Fire Department station, or the direction or re-direction of any Fire Department vehicle theretofore out of the Fire Department station to the premises subject of a false alarm.



HARRIS COUNTY EMERGENCY SERVICES DISTRICT NO. 29

District Policies

False Alarm Policy

DP-010

D. SERVICE FEE: All premises in the District, whether residential, commercial, industrial or business, are subject to service fees for Fire Department responses to false alarms in accordance with this Policy. The service fees for false alarm responses apply jointly and severally to the owner and/or tenant of any residential, commercial, industrial or business premises which has five (5) or more false alarm responses during any twelve month period. The service charges for such false alarm responses are as follows:

- 5th false alarm response within a twelve month period: \$200
- All subsequent false alarm responses within a twelve month period: \$200

E. DETERMINATION OF FALSE ALARM: The highest ranking Fire Department officer ("responding officer") in a response shall make the determination if a false alarm had occurred. The responding officer shall submit a report to the Fire Chief of the Fire Department if such response is determined by the responding officer to be a false alarm. Such report shall include all pertinent information gathered by such responding officer to support the conclusion that such response was caused by a false alarm. Such report should be filed with the Fire Chief within ten (10) business days after the conclusion of the response.

F. WAIVER OF FALSE ALARM RESPONSE: A false alarm response may be waived for purposes of the calculation of the number of false alarm responses if it can be substantially determined by the Fire Department that the false alarm was due to a cause other than a fault in the alarm system or improper operation of the alarm system, and such cause was not reasonably within the control of the owner and/or tenant of the premises (for example, if during an unusually severe storm lightning or flying debris caused a false alarm and false alarm response).

For purposes of determining the applicability of a waiver as set out above, the burden shall be on the owner and/or tenant of the premises to prove that the false alarm falls under the category of a waiver.

G. PROCEDURE FOR COLLECTION OF SERVICE FEES: The offices of the District and the administrative secretary of the Fire Department shall keep a copy of this Policy available at their respective offices and shall make a copy of said Policy available to such persons who may request same.

(1) In the event there shall be two (2) Fire Department responses to a premises due to false alarms within a twelve month period, the District Counsel (or the designee thereof) shall mail, by certified mail, return receipt requested, a notice setting forth the false alarm responses to the premises and enclosing a copy of this Policy. Provided however, that the failure of the owner and/or tenant of a premises to receive such mailed communication shall not relieve the owner and/or tenant of the premises of the obligation to pay the service fee as provided in this Policy.

(2) Upon the happening of a fifth (5th) Fire Department response to a premises due to a false alarm within a twelve month period, the District Counsel (or the designee thereof) shall send an invoice to the owner and/or tenant for the service fee in the amount as provided under this



HARRIS COUNTY EMERGENCY SERVICES DISTRICT NO. 29

District Policies

False Alarm Policy

DP-010

Policy. An invoice setting forth a service fee shall be due and payable not later than thirty (30) days following the mailing thereof.

(3) If any owner and/or tenant of a premises shall fail to pay the invoice in accordance with this Policy and shall fail to perfect an appeal as provided in this Policy, the District may take such further action as provided under Chapter 775, Texas Health & Safety Code, Section 775.040 (Fee Payment and Collection).

H. APPEAL: An appeal from (i) a determination that a Fire Department response was caused by a false alarm, or (ii) an invoice for a service fee as provided in this Policy, must be made by the owner and/or tenant of the premises within twenty (20) days after any one of the following events, as applicable:

- (a) the receipt by the owner and/or tenant of the premises of the notice from the District stating that five (5) Fire Department responses to the premises due to false alarms had occurred within a twelve month period;
- (b) the false alarm response by the Fire Department to the premises;
- (c) the receipt by the owner and/or tenant of the premises of the invoice from the District due to the fourth false alarm response by the Fire Department to the premises within a twelve month period;
- (d) the receipt by the owner and/or tenant of the premises of the invoice from the District for each subsequent false alarm response by the Fire Department to the premises.

1. An appeal to be effective must be filed in writing with the District President and delivered or postmarked no later than the applicable deadline. In the absence of the District President, the written appeal may be filed with the District Secretary or District Counsel.

2. If an appeal is perfected as provided above, a hearing shall be scheduled by the District Secretary before a quorum of the District Board of Emergency Services Commissioners ("ESD Board"). Such hearing shall be scheduled not more than thirty days following the date the written appeal is received. At such hearing the affected person may present evidence, cross-examine the witnesses against him, and shall be entitled to be represented by an attorney. The ESD Board shall render its decision within ten (10) days following the hearing. The decision of the ESD Board shall be the final administrative decision of the District.

END OF POLICY

Effective: 10/01/2012
Revised: 10/01/2012

False Alarm Policy

Page 4 of 4