

EL PASO COUNTY
COMMISSIONERS COURT
ORDER
REGULATING ALARM SYSTEMS

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Section 1 Definitions

For the purposes of this order:

- A. “Alarm company” means any person, partnership, corporation or other legal entity which installs, services, monitors or responds to alarm systems for compensation, and is currently in compliance with the Private Security Act. See TEX. OCC. CODE ANN. §1702.001 et. al. (Vernon Supp. 2010).
- B. “Alarm Permit Officer” means the sergeant or lieutenant appointed by the Sheriff to oversee the alarm permit process including the issuance and revocation of permits and the issuance of notices of violations of this Order.
- C. “Alarm site” means the specific property or area of the premises on or within which an alarm system is installed or placed.
- D. “Alarm system” means an alarm signal device, burglar alarm, heat or motion sensor, or other electrical, mechanical, or electronic device used:
 - 1. To prevent or detect burglary, theft, pilferage, fire, or other loss of property;
 - 2. To prevent or detect intrusion; or
 - 3. Primarily to detect and summon aid for other emergencies.
- E. “Applicant” means the person or entity who submits an application to obtain a permit.
- F. “Automatic dialing device” means an alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, a prerecorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect.
- G. “Conversion” means the transaction or process by which one alarm company begins servicing or monitoring an alarm system installed by another alarm company or an alarm system which was previously serviced or monitored by another alarm company.
- H. “False alarm” means an alarm signal received by a law enforcement official that is later determined not to involve a criminal offense, attempted criminal offense, fire, or other emergency.
- I. “Person” means any individual, partnership, corporation or other legal entity.
- J. “Relaying intermediary” means that portion of an alarm company which receives or intercepts a signal or signals, indicating the activation of an alarm system and which relays this information to the Sheriff’s Office.
- K. “Sheriff” means the Sheriff of El Paso County, Texas or his designated representative.

- L. “Verify” means an attempt by the alarm company, or its representative, to contact the alarm site by telephonic or other electronic means before requesting a law enforcement dispatch whether or not actual contact with a person is made, in an attempt to avoid an unnecessary alarm dispatch.

Section 2 Applicability

This order does not apply to:

- A. Emergency response systems managed by health care facilities licensed by the Texas Department of Health; or
- B. Alarm systems installed on:
 - 1. A motor vehicle;
 - 2. Premises occupied by the United States, this state, or the county; or
 - 3. Premises located in an incorporated area within the county.

Section 3 Permit

- A. A person commits an offense if he operates or causes to be operated an alarm system without a valid permit issued in accordance with this order. A separate permit is required for each alarm site. A person with an existing alarm system on the date this Order becomes effective has one month to come into compliance with this Order.
- B. The Sheriff’s Office is not required to respond to an alarm signal if the alarm site does not have a valid permit issued in accordance with this order.
- C. Each permit issued pursuant to this order shall be valid for three years. Each permit must be renewed three years after its initial issuance and every three years thereafter. Provided, however, that if a permit holder sells or disconnects the alarm system or sells or moves from the alarm site, the permit shall no longer be valid and a new permit must be obtained.
- D. The permit fee for each initial residential permit and subsequent renewal permits shall be thirty dollars (\$30.00). The permit fee for each initial commercial permit and subsequent renewal permits shall be sixty dollars (\$60.00).
- E. Each permit issued pursuant to this order shall be valid only for the permit holder and alarm site named on the permit and is not transferable.
- F. The permit holder for an alarm system shall keep such permit displayed at the alarm site and shall produce such permit for inspection upon request of any member of the Sheriff’s Office.

- G. All alarm companies shall notify new alarm customers including customers acquired by a conversion of the alarm system of the existence and provisions of this order prior to the installation or conversion of the alarm system. Within thirty days after the installation of a new alarm system or the conversion of an existing alarm system, all alarm companies shall provide written notice to the county of the installation or conversion of an alarm system.
- H. Upon receipt of a completed application form and the required fee, the Alarm Permit Officer shall issue an alarm permit to an applicant unless the applicant has:
1. Failed to pay a service fee for a false alarm as required by this order, or
 2. Had an alarm permit revoked at this or any other alarm site and is not entitled to reinstatement under Section 10.
- I. Each alarm permit application must contain the following information:
1. Name, address, and telephone number of the permit holder and, if the permit holder is not an individual, of the individual who will be responsible for the proper maintenance and operation of the alarm system and payment of fees assessed under this order;
 2. Classification of the alarm site as either residential or commercial;
 3. The purpose of the alarm system, i.e. burglary, robbery, personal hostage, medical, or fire;
 4. The street address of the alarm site and, if the alarm site is an apartment, the building number and apartment number, if applicable;
 5. The business name, if any, used for the alarm site;
 6. The name of the person or alarm company who will install and/or maintain the alarm system;
 7. The name and telephone numbers of two (2) persons who are able to and have agreed to:
 - (i) Receive notification at any time;
 - (ii) Come to the alarm site within 45 minutes after receiving a request from a member of the Sheriff's Office to do so: and
 - (iii) Grant access to the alarm site and to deactivate the alarm system if such becomes necessary; and
 8. Other information required by the Sheriff which is necessary for the enforcement of this order.
- J. A person commits an offense if he makes any false statement of a material matter in the application. Any false statement of a material matter made by an applicant for the purpose of obtaining an alarm permit shall be sufficient cause for refusal to issue a permit.
- K. All fees owed by an applicant must be paid by certified check or money order before any alarm permit may be issued or renewed.

- L. The Alarm Permit Officer shall provide a copy of any rules promulgated to enforce this order to the permit holder at the time an application for permit is filed. A fee for making the copies may be assessed to the permit holder in accordance with Chapter 552, Government Code.

Section 4 Multiple unit developments and unsold or unleased homes or businesses

- A. Each tenant, owner, or occupant of a multiple unit development, including but not limited to apartment complexes, multiple condominium units managed by another, duplexes, shopping malls or strips, or other similar developments, shall obtain a separate alarm permit from the county for an alarm system that is operated in their unit, whether the alarm system is furnished by themselves; the system is furnished by the owner, manager or landlord of the unit as an amenity; the system is a multiple location system that is partitioned among several locations that separately or individually have access to use the system within one location or unit; or the system is contracted for by an individual tenant, owner or occupant.
- B. If the owner, manager, or landlord contracts with an alarm company for the installation or operation of the alarm system on behalf of the tenant, owner, or occupant of the unit, the owner, manager or landlord shall notify the tenant, owner, or occupant of the unit of the existence and provisions of this order prior to such time that the tenant, owner, or occupant of the unit begins operation of the alarm system.
- C. Each owner, manager, or landlord of a multiple unit development must obtain a separate permit to operate an alarm system in any unleased or unsold unit or in any common areas of the development, including but not limited to common tenant areas, offices, storage areas, and equipment areas.
- D. The owner, builder, or developer of an unsold or unleased home or business, including but not limited to newly constructed homes or businesses, must obtain a separate permit for each home or business to operate an alarm system on the premises.

Section 5 Service fee

- A. The permit holder shall pay a service fee of seventy-five (\$75.00) dollars for each false alarm emitted from such alarm system that is in excess of five (5) false alarms in the preceding twelve-month period. The permit holder will be charged the full costs incurred by the county even if that amount exceeds seventy-five dollars (\$75.00) and regardless of the number of previous false alarms when the permit holder, the agent or employee of the permit holder, or occupant of the alarm site intentionally or knowingly activates the alarm system for any reason other than an emergency or threat of an emergency of the kind for which the alarm system was designed to give notice.
- B. If a person applies for an alarm permit before a new alarm system is put into service, no service fee will be assessed during the first thirty (30) days after the system is put into

service, and the false alarms during that period will not be counted in determining when a service fee will be assessed.

Section 6 Duties of permit holder

- A. A permit holder shall:
1. Maintain the premises containing an alarm system in a manner that insures proper operation of the alarm system;
 2. Maintain the alarm system in a manner that will minimize false alarms;
 3. Respond or cause a representative to respond within 45 minutes when requested by the Sheriff's Office to repair or deactivate 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 an occurrence of an event that the alarm system was intended to report;
 5. Notify the Sheriff's Office prior to activation of an alarm for maintenance purposes; and
 6. Maintain at each alarm site, a complete set of written operating instructions for each alarm system, except that special codes, combinations, or passwords may be excluded from these instructions.
- B. A permit holder shall adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal will sound for no longer than five (5) minutes after being activated, except when prohibited by fire code.
- C. Whenever a person listed on the application or listed on an amendment to the application is unable or unwilling to perform the duties set out in Section 3, the permit holder shall within two (2) business days file an amendment to the permit application listing a person who is able and willing to perform those duties so that at all times the application on file with the Sheriff's Office, designates at least two (2) persons who are able and willing to perform such duties.

Section 7 Automatic dialing devices

- A. A person commits an offense if he programs an automatic dialing device to select any telephone line into the Sheriff's Office. A person commits an offense if he fails to disconnect an automatic dialing device as required under subsection B of this section.
- B. Within ninety (90) days of the effective date of this order, all existing automatic dialing devices programmed to select any telephone line into the Sheriff's Office shall be disconnected.

Section 8 Direct alarm reporting

- A. An alarm system, other than an alarm system in a financial institution, which transmits automatic alarm notifications directly to the communications center of the Sheriff's Office, shall be prohibited.
- B. A financial institution required to have an alarm system pursuant to the provisions of the Bank Protection Act of 1968 (12 U.S.C. § 1882) may install, with the permission of the Sheriff, a signal line directly to the Sheriff's Office for the purpose of reporting burglaries and robberies.
- C. The financial institution shall pay an annual fee of two hundred dollars (\$200.00) for each indicator. The Sheriff shall have the right, at reasonable times and upon oral notice, to inspect the alarm system at the alarm site and require necessary repairs or improvements. If the Sheriff finds that the alarm system continually fails to operate or to be operated to his satisfaction, he may terminate the privilege to have equipment and indicators in the communications center of the Sheriff's Office and require prompt removal of same at the expense of the financial institution.
- D. The financial institution, at its expense, shall make arrangements to provide service for the alarm system at the instance of the financial institution or the Sheriff on a twenty-four hour basis, seven days a week. In no event shall the county become liable for service charges for repairs and maintenance of any such signaling device.
- E. The financial institution may cancel its agreement with the county at any time by giving the county written notice through the Sheriff, whereupon such institution, at its expense shall have its equipment and indicators promptly removed from the monitor panel in the communications center.
- F. The Sheriff shall have the right to require any change, modernization or consolidation of alarm signaling equipment that he deems advisable. In no event shall the county be liable for charges for such changes.
- G. Instead of a direct line, a financial institution may instead choose to report burglaries and robberies by transmission through an alarm reporting service using a telephone number designated by the Sheriff.

Section 9 Revocation

- A. The Alarm Permit Officer may revoke an alarm permit if it is determined that:
 - 1. There was a false statement of a material matter in the application for a permit;
 - 2. The permit holder has violated any part of this order or has failed to comply with or maintain any and all of the requirements applicable to the issuance of the permit as set forth herein;

3. The permit holder has failed to pay a service fee assessed under Section 5 of the order within sixty (60) days after a bill for the assessment was issued; or
 4. More than nine (9) false alarms have been emitted from the alarm site during the preceding twelve-month period.
- B. A person commits an offense if he operates or causes to be operated an alarm system during the period in which an alarm permit is revoked.
- C. In the event that the Alarm Permit Officer revokes an alarm permit in accordance with the provisions of this order, the Alarm Permit Officer may further order the alarm company to discontinue their service from such alarm system for such time as the permit for such system remains revoked. Notice of an order under this section shall be sent to the alarm company by certified mail, return receipt requested. The alarm company shall comply with the order and discontinue alarm service within twenty-four (24) hours after receipt of the notice.

Section 10 Reinstatement of permit

- A. A person whose alarm permit has been revoked may be issued a new permit provided that all outstanding service fees or other fees required by this order have been paid and the person:
1. Meets the qualifications of an applicant;
 2. Submits an updated application and pays a one hundred dollar (\$100.00) reinstatement fee; and
 3. Pays, or otherwise resolves, all Class C misdemeanor complaints issued under this order.
- B. The reinstatement of a permit may be refused if the Alarm Permit Officer determines that the system proposed to be used or persons responsible for the alarm system have a history of unreliability. Factors to be used in determining a history of unreliability shall include:
1. Ten or more false alarms in the thirty-day period prior to the revocation of the permit;
 2. Two or more incidents of failure to respond to false alarms by the permit holder or persons or alarm company designated to respond in the thirty-day period prior to the revocation of the permit;
 3. Two or more incidents of continuing alarm system operation during the period in which the permit was revoked; or
 4. Failure to provide proof that an alarm company has properly serviced the alarm system and corrected any deficiencies.

Section 11 Appeals

- A. The following decisions by the Alarm Permit Officer may be appealed by the applicant or permit holder to the Sheriff, and if resolution is not reached, the decision may then be appealed directly to commissioners court:
1. Refusal to issue, renew, or reinstate a permit;
 2. Assessment of service fees for false alarms; and
 3. Revocation of a permit.
- B. If the Alarm Permit Officer makes any decision listed in subsection A, he shall send to the applicant or permit holder by certified mail, return receipt requested, written notice of his action. This notice shall clearly state the reasons for his action and the underlying facts that support his action. This notice shall also include a statement that the applicant or permit holder may, within fourteen (14) days after receipt of the notice, request a hearing to be held before the Sheriff.
- C. The applicant or permit holder may appeal the decision of the Alarm Permit Officer to the Sheriff by filing with the Sheriff's Office a written request for a hearing, setting forth the reasons for the appeal, within fourteen (14) days after receipt of the notice from the Alarm Permit Officer. The filing of a request for an appeal hearing with the Sheriff stays any action of the Alarm Permit Officer revoking a permit until the Sheriff makes a decision on the appeal. If the permit holder is unsatisfied with the Sheriff's decision, the holder may further appeal to commissioners court by filing with the Sheriff's Office a written request for a hearing before commissioners court, setting forth the reasons for the appeal, within fourteen (14) days after issuance of the decision of the Sheriff. The Alarm Permit Officer will place an item on the commissioners court agenda after receipt of the appeal. If a request for an appeal hearing is not made within fourteen (14) days after receipt of the notice from the Alarm Permit Officer, the action of the Alarm Permit Officer is final.
- D. If the decision of the Alarm Permit Officer is appealed, the Sheriff shall set a time and place for the appeal hearing, which shall be served upon the applicant or permit holder by certified mail, return receipt requested. The appeal hearing should be held within twenty-one (21) days of receipt of the appeal. The Sheriff shall preside at the appeal hearing and consider evidence by any interested person. The formal rules of evidence do not apply at an appeal hearing. All parties to the hearing shall have the right to present evidence and shall have the right of cross-examination. The Sheriff shall make his decision on the basis of a preponderance of the evidence within fifteen (15) days after the hearing is concluded. The time for hearing an appeal may be extended by agreement of the parties. The commissioners court shall affirm, reverse, or modify the action of the Sheriff if appealed to that level. The decision of the commissioners court is final as to administrative remedies with the county.

Section 12 Manual reset required

- A. If an alarm system is capable of being adjusted, a person in control of an alarm system shall adjust or cause an alarm system to be adjusted so that it will not make or transmit another alarm signal from the alarm or a separate zone therein that triggered a false alarm without first being manually reset.
- B. A person commits an offense if, on or after January 1, 2012, he installs or causes to be installed an alarm system or replaces or causes to be replaced system-controlling equipment for an existing alarm system that is not capable of being adjusted so that the mechanism, upon activation, will not make or transmit another alarm signal from the alarm or a separate zone therein without first being manually reset.

Section 13 Reporting of alarm signals

- A. A 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 order or that is not licensed in accordance with the Texas Private Security Act, as may be required.
- B. Before requesting a law enforcement response to an alarm system, an alarm company must attempt to verify every alarm signal except for an alarm signal authorized under Section 8 of this order or an alarm signal emitted from a certified UL system.
- C. An alarm notification may be cancelled by the alarm company by giving notice to the Sheriff's Office communication center within four (4) minutes of the alarm notification or prior to the arrival of a law enforcement officer at the scene of the alarm site, whichever occurs first. If the alarm notification is properly cancelled, the alarm notification will not be reported as a false alarm.

Section 14 Alarm dispatch records

- A. The Sheriff's Office shall maintain alarm dispatch records. The law enforcement officer responding to a dispatch resulting from an alarm notification shall record or cause to be recorded information, including but not limited to the following:
 - 1. Identification of the alarm site;
 - 2. Date, dispatch received time and arrival time;
 - 3. Weather conditions;
 - 4. Name of permit holder's representative on premises, if any; and
 - 5. The officer's conclusion as to whether or not the alarm signal was a false alarm, to include the underlying facts or conditions that led him to his conclusion.
- B. If a person lawfully on the premises acts or fails to act in a manner which results in the inability of the responding law enforcement officer to make any inspection,

determination, or report as set forth in this order, the officer shall make a determination that the alarm signal was a false alarm and shall note such determination in the record.

- C. The Sheriff's Office shall attempt, merely as a courtesy, to notify by phone or mail the permit holder upon the occurrence of a fourth false alarm during any twelve-month period at any single alarm site. Failure by the Sheriff's Office to give this courtesy notice shall not preclude enforcement of any other section of this order.

Section 15 Violations; penalty

- A. A person commits an offense if he violates by act or omission any provision of this order. Each day that a violation is permitted to exist shall constitute a separate offense.
- B. An offense under this order is a Class C misdemeanor.

Section 16 Enforced collection

- A. The County Attorney's Office or a vendor under subsection B below may file a civil action in a court of competent jurisdiction to recover a penalty or fee imposed under this order.
- B. The commissioners court may enter into a contract with a private vendor for the provision of collection services for false alarm penalties or fees imposed under this order. If such a contract is entered into by commissioners court, an additional collection fee shall be assessed in the amount of 30 percent of the penalties and fees more than 60 days past due which have been referred to the vendor for collection.

Section 17 Severability and Disclaimer

- A. The terms and provisions set out in this order are severable. If any provision, including but not limited to any exception, defense, subsection, part, phrase, term, or word, or the application thereof to any person or circumstance is held invalid or unconstitutional by valid judgment or decree of a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this order and such remaining portions shall remain in full force and effect.
- B. The County of El Paso, the Commissioners Court, the Sheriff, and the Sheriff's employees or agents shall not be under any duty or obligation to any person by reason of this order and specifically disclaims liability for any damages which may be caused by the failure of any department or office of the county to monitor and/or respond to an alarm signal transmitted by any means or for any damage as a result of any unreasonable delay in response to such alarm signal.

ADOPTED THIS 24TH DAY OF OCTOBER, 2011.

EFFECTIVE ON JANUARY 1, 2012.

Hon. Veronica Escobar
County Judge
El Paso County, Texas

Attest:

Delia Briones
County Clerk

Section 18: Appendix A

The following information is provided to the permit holder (applicant) as recognition of the rules and regulations concerning the El Paso County Sheriff's Office false alarm program.

False Alarm: an alarm signal received by a law enforcement official that is later determined not to involve a criminal offense, attempted criminal offense, fire or other emergency.

Duties of permit holder

A. A permit holder shall:

1. Maintain the premises containing an alarm system in a manner that insures proper operation of the alarm system;
2. Maintain the alarm system in a manner that will minimize false alarms;
3. Respond or cause a representative to respond within 45 minutes when requested by the Sheriff's Office to repair or deactivate 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 an occurrence of an event that the alarm system was intended to report;
5. Notify the Sheriff's Office prior to activation of an alarm for maintenance purposes; and
6. Maintain at each alarm site, a complete set of written operating instructions for each alarm system, except that special codes, combinations, or passwords may be excluded from these instructions.

Additionally:

- B. A permit holder shall adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal will sound for no longer than 5 minutes after being activated, except when prohibited by fire code.
- C. Whenever a person listed on the application or listed on an amendment to the application is unable or unwilling to perform the duties set out in section 3, the permit holder shall within (2) business days file an amendment to the permit application listing a person who is able and willing to perform those duties so that at all times the application on file with the Sheriff's Office, designates at least (2) persons who are able and willing to perform such duties.

Revocation

A. The Alarm Permit Officer may revoke an alarm permit if it is determined that:

1. There was a false statement of a material matter in the application for a permit;
2. The permit holder has violated any part of the Commissioners Court Order or has failed to comply with or maintain any and all of the requirements applicable to the issuance of the permit.

3. The permit holder has failed to pay a service fee within (60) days after a bill for the assessment was issued; or
 4. More than nine (9) false alarms have been emitted from the alarm site during the preceding twelve-month period.
- B. A person commits an offense if he operates or causes to be operated an alarm system during the period in which an alarm permit is revoked.
- C. In the event that the Alarm Permit Officer revokes an alarm permit, the Alarm Permit Officer may further order the alarm company to discontinue their service from such alarm system for such time as the permit for such system remains revoked. Notice of revocation shall be sent to the alarm company by certified mail, return receipt requested. The alarm company shall comply with the order and discontinue alarm service within twenty-four (24) hours after receipt of notice.

Section 19: Appendix B: Alarm Permit Application

EL PASO COUNTY SHERIFF'S OFFICE SECURITY ALARM PERMIT APPLICATION

PLEASE PRINT LEGIBLY OR TYPE INFORMATION. ATTACH ADDITIONAL INFORMATION IF NECESSARY.

ALARM PERMIT TO BE ISSUED TO:

Individual or Business Name	Complete Address	Phone
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If the alarm permit is to be issued in the name of a corporation or partnership, give the names and addresses of the corporate officers, partners or other persons legally responsible for the corporation or partnership.

Name	Complete Address	Phone
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Name	Complete Address	Phone
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Name, residence, and telephone number of the persons in the operational control of the property, if other than applicant.

Name	Complete Address	Phone
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Name	Complete Address	Phone
------	------------------	-------

Security alarm company contracted to monitor alarm system:

Company Name	Complete Address	Phone
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List the names and telephone numbers of two (2) persons, one of whom does not reside at the address of permit location, that are able to and have agreed:

- A. To receive notification at any time.
- B. To come to the alarm site within 45 minutes after receiving a request from the El Paso County Sheriff's Office to do so; and

C. To grant access to the alarm site and to deactivate the alarm system if such becomes necessary.

Name	Telephone Number(s)
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Name	Telephone Number(s)
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Immediate written notification must be submitted to the El Paso County Sheriff's Office Alarm Permit Officer if there is a change concerning these two individuals. All other changes of information in this application must be submitted in writing within 2 days of said change.

The permit holder or any other person in control of an alarm shall pay the service fee of \$75.00 for each false alarm notification in excess of five that is emitted from an alarm site during the preceding 12-month period. A security alarm system permit is not transferable and it may be revoked if it has been subject to 9 or more false alarms in a 12-month period. The permit can also be revoked for other violations.

Applicant's Signature

Date

Submit Application and Payment to:

El Paso County Sheriff's Office
Downtown Detention Facility
BITS – 1st Floor
601 E. Overland, El Paso, TX 79901
Telephone (915) 546-2293

Make check payable to: County of El Paso

Commercial Security Alarm Permit Fee:	\$60.00
Residential Security Alarm Permit Fee:	\$30.00
Revoked Reinstatement Fee:	\$100.00

Commercial permit____Residential permit____please check one.

Section 20: Appendix C

**EL PASO COUNTY SHERIFF'S OFFICE
FALSE ALARM NOTIFICATION**

Date: _____ Time Dispatched: _____ Time Arrived: _____

District: _____ Address: _____ Business () Residence ()

Business Name: _____ Permit # (if posted) _____

Responding Person: (if present) _____ Phone: _____

Address: _____ Zip Code: _____

Weather Conditions: _____ Mechanical failure: Yes () No ()

Deputy: _____ I.D.#: _____ CAD Incident # _____

The El Paso County Sheriff's Office was dispatched to this location and the responding deputy has determined that your alarm generated a false call. The El Paso County Sheriff's Office requires that any person in control of an alarm system pay a service fee of seventy-five dollars (\$75.00) for each false alarm in excess of five alarms that is emitted from an alarm site during the preceding twelve-month period. If you have any questions about this false alarm notification, please call (915) 546-2280.

DISTRIBUTION CODE:

White Copy– Alarm Permit Officer

Color Copy– Left at address