



## **HOW TO REQUEST AN APPEAL HEARING**

*Please read this document in its entirety before completing an appeal hearing request form. Instructions are outlined below if you choose to appeal the revocation or denial of an alarm permit. If you have any questions or need additional information prior to submitting the request, please contact the Alarm Administration Unit at 512-974-5730 or email [apdalarm@austintexas.gov](mailto:apdalarm@austintexas.gov)*

Pursuant to City Austin Code of Ordinances, Chapter 4-2, the City of Austin's Police Department establishes the policies and procedures to implement this chapter and regulates the activities for a person who owns, leases, occupies, or manages an alarm system.

**Section 4-2-19 (b)** "A person may file a notice of appeal with the police chief, including the reason for the appeal, not later than the 10<sup>th</sup> day after the affected person receives notice of an adverse action by the police chief."

**Section 4-2-19 (d)** "The appeal hearing officer may affirm, reverse or modify the action of the police chief."

**Please follow the instructions outlined below if you choose to appeal the revocation or denial of an alarm permit.**

### **TO REQUEST AN APPEAL HEARING:**

1. Gather facts, documents, and/or records to prove:
  - a. Alarm was true and not false
    - i. Copy of the police report confirming a break-in or robbery
  - b. Alarm was generated by a permitted alarm system (bring a copy of the active permit for the alarm site)
  - c. Alarm did not occur at your location:
    - i. Copy of a police report
    - ii. Alarm company activity report showing no alarms occurred on the incident date
    - iii. Letter from your alarm company indicating no request was issued to dispatch the Austin Police Department (APD)
  - d. You were not the owner of the property at the time of the false alarm
  - e. Residential or commercial site is not within the Austin city limits and the Code of Ordinances do not apply to the site.
2. Complete an appeal hearing request statement by:
  - a. Individually composing a written statement which includes the information required on the Appeal Hearing Request form

**OR**

  - b. Filling out the Austin Police Department Appeal Hearing Request form found at [www.austintexas.gov/department/alarm-administration](http://www.austintexas.gov/department/alarm-administration). The form must be completely filled out to be considered.
3. Mail, fax or email the written statement or completed Appeal Hearing Request form along with supporting documents (facts, documents, and/or records) to the Austin Police Department Alarm Administration Unit. **Submit the written statement or completed form and supporting documentation before the 10<sup>th</sup> day following the mailing date of the notice.**

4. Upon receiving the written statement or completed Appeal Hearing Request and supporting documentation, the Alarm Administration Unit will review the appeal hearing request and documentation.
5. If a hearing is granted, a hearing date and time will be selected for you. The Alarm Administration Unit will notify you by email.
6. If a hearing is not granted, the Alarm Administration Unit will notify you by mail and/or email and provide an explanation.
7. If you are unable to appear on the designated date and time, the Alarm Administration Unit must be notified in writing by sending an email to [apdalarm@austintexas.gov](mailto:apdalarm@austintexas.gov) at least five (5) business days prior to the scheduled hearing date to reschedule for the next available day.
8. If you do not send notice within the specified timeframe, you will lose the opportunity to reschedule and be responsible for the assessed fee(s).
9. A written decision will be mailed to you within 60 days of the appeal filing date. The decision of the hearing officer is final.
10. Any fee(s) associated with the hearing officer's decision must be paid within 21 days following the date the final decision is mailed or emailed to you.

An appeal hearing will not be granted if the alarm was activated due to the following reasons including, but not limited to:

- Caretakers who watch homes or businesses when owners are away.
- An occurrence where no evidence of criminal activity is present.
- Alarm activation which occurs while alarm technicians are repairing or servicing the alarm system.
- Glass break detectors which activate due to noise/sound other than actual glass breakage.
- Door and/or windows that become loose and cause a break in the contacts which activate the alarm.
- Alarms caused by apartment management employees.
- Faulty, defective or malfunctioning equipment supplied by the alarm business.
- Improper installation or maintenance by the alarm business.
- Improper monitoring by the alarm business.
- Improper use by the alarm user.
- Mistake made by private contractors, housekeeper, cleaning crew, etc.
- Items within the home or business which move causing motion detectors to activate, i.e. curtains, signs, balloons, etc.
- Pets, rodents and wildlife.

## **WHAT TO EXPECT DURING AN APPEAL HEARING**

You will be allotted 15-20 minutes for the hearing at which time you may present any relevant information specific to the status of the alarm incident.

Visit [www.austintexas.gov/department/alarm-administration](http://www.austintexas.gov/department/alarm-administration) to view a complete list of frequently asked questions (FAQs).

City of Austin Police Department – Alarm Administration Unit

P.O. Box 684279

Austin, TX 78768-4279

Telephone: (512) 974-5730

Fax: (512) 974-6697

Email: [apdalarm@austintexas.gov](mailto:apdalarm@austintexas.gov)