

ORDINANCE NO. 2088

AN ORDINANCE OF THE CITY OF TERRELL, KAUFMAN COUNTY, TEXAS AMENDING - CHAPTER 4, BUILDING REGULATIONS, SECTION 20; ALARM SYSTEMS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TERRELL, KAUFMAN COUNTY, TEXAS THAT:

SECTION I.

Chapter 4, Building Regulations, Section 20: Alarm Systems shall be amended as follows:

Sec. 4-20 Emergency Reporting Equipment and Procedures

A. Definitions

In this section:

- (1) *Alarm notification* shall mean a notification intended to summon the police, which is designed either to be initiated purposely by a person or by an alarm system that responds to a stimulus characteristic of unauthorized intrusion.
- (2) *Alarm site* shall mean a single premises or location (one [1] street address) to include suites, sections, or units served by an alarm system or systems that are under the control of one (1) owner.
- (3) *Alarm system* shall mean any mechanical or electrical device which is used to protect buildings, premises, or persons from criminal acts or unauthorized entries by warning persons of a crime or unauthorized entry through the emission of a sound or the transmission of a signal or message intended to summon police in response to a burglary or robbery. The term includes an alarm that emits an audible signal on the exterior of a structure. The term does not include an alarm installed on a vehicle, unless the vehicle is used for a habitation or permanent site; or an alarm designed to alert only the inhabitants within the premises which does not have a local alarm.
- (4) *Applicant* shall mean the person applying to be a permit holder pursuant to this chapter.
- (5) *Automatic alarm notification* shall mean an alarm notification set over telephone lines by direct connection or otherwise, a prerecorded voice message, synthesized voice message, or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect.
- (6) *Central station* shall mean an office to which remote and supervisory signaling devices are connected, where operators supervise the circuits, and/or where guards are maintained continuously to investigate signals.
- (7) *Chief* shall mean the chief of police or his authorized representative.
- (8) *City Secretary* shall mean the city secretary or his authorized representative.
- (9) *Local alarm* shall mean an alarm system that emits a signal at an alarm site that is audible or visible from the exterior of a structure.

- (10) *Permit holder* shall mean the person designated in the application as required in this chapter upon whom a duty or responsibility is imposed.

B. Applicability

- (1) No permit required by this chapter shall be required of a person who installs an alarm system at an alarm site until all installation is complete and an initial test alarm notification has been received based upon an alarm signal from such system.
- (2) Other political subdivisions that operate alarm systems shall be required to obtain a permit except that neither permit fees nor service fees shall be required of such political subdivisions. No permit shall be required of state and federal governmental entities.

C. Alarm permit - Required; fees; application; transfer.

- (1) A person commits an offense if he operates or causes to be operated an alarm system without a valid alarm permit issued by the city secretary. Except as to multifamily dwellings, apartment buildings, or apartment complexes for which a permit is issued pursuant to paragraph (3) of this section, a separate permit is required for each alarm system at each alarm site.
- (2) A biennial fee of fifty dollars (\$50.00) shall be charged for the issuance of each permit other than permits issued pursuant to paragraph (3) of this section.
- (3) In lieu of the fees imposed by paragraph (2) of this section, a fee of fifty dollars (\$50.00) may be paid and a permit obtained for a multi-family dwelling, apartment building, or apartment complex with one (1) such permit required for each one hundred (100) units or less.
- (4) Upon receipt of a completed application form and the required fee, the city secretary shall issue an alarm permit to an applicant unless the applicant has failed to pay a fine assessed under sub-section M below, or has had an alarm permit revoked, and the violation causing the revocation has not been corrected.
- (5) Each permit application must contain the following information:
- (aa) Name, address and telephone number of the permit holder who will be responsible for the proper maintenance and operation of the alarm system and payment of fees assessed under this chapter;
- (bb) Classification of the alarm site as either residential or commercial, including where the alarm site is an apartment, the building number and apartment number, if so numbered;
- (cc) For each alarm system located at the alarm site the purpose of the alarm system, i.e., fire, unauthorized intrusion, burglary, or robbery;
- (dd) Other information required by the City Secretary and/or the Chief which is necessary for the enforcement of this chapter.
- (6) 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.
- (7) An alarm permit cannot be transferred to another alarm system except by authorization of the City Secretary. A permit holder shall inform the City Secretary of any change that alters any information listed on the permit application within two (2) business days. No fee shall be assessed for such changes.

- (8) All fees owed by an applicant must be paid before a permit is issued or renewed.

D. Revocation of permit.

- (1) The city secretary and/or the chief shall revoke an alarm permit if it is determined that:
 - (aa) There is a false statement of a material matter in the application for a permit;
 - (bb) The permit holder has violated any section of this chapter;
 - (cc) The permit holder has failed to make any payment assessed under this chapter within thirty (30) days of receiving a notice to do so.
- (2) A person commits an offense if he operates an alarm system during the period in which the alarm permit is revoked.

E. Appeal from permit denial or revocation.

- (1) If the city secretary or the chief refuses to issue or renew a permit, or revokes a permit, they shall provide written notification to the applicant or permit holder either directly through a police officer or by certified mail, return receipt requested, informing the applicant or permit holder of the action together with a statement of the applicant or permit holder's right to an appeal. The applicant or permit holder may appeal the decision of the chief or the city secretary to the city council by filing with the city secretary a written request for a hearing, setting forth the reasons for the appeal, within ten (10) days after receipt of the notice. The filing of an appeal hearing with the city secretary stays an action revoking a permit until the city council makes a final decision. If a request for an appeal is not made within the ten-day period, the action is final.
- (2) The city secretary shall set a time for the hearing before the city council, which shall be served upon the applicant or permit holder by certified mail, return receipt requested. The decision of the city council shall be final.

F. Duration; renewal; inspection.

- (1) An alarm permit is issued for two (2) years and must be renewed every two (2) years upon submission of an updated application and the required permit fee. It is the responsibility of the permit holder to submit an application and the required permit fee prior to the permit expiration date. The city secretary shall determine the first expiration date of a permit.
- (2) A permit shall not be renewed if the applicant has past due or outstanding fees at another alarm site for which he is the permit holder, unless the permit is under review in an appeal pursuant to this chapter.
- (3) The permit holder for an alarm system shall keep such permit at the alarm site and shall produce such permit or evidence thereof for inspection upon request of any member of the police department.
- (4) The accompanying decal shall be posted on a front window facing them nearest roadway in such a manner as to be easily seen and identified by members of the police department.

G. Alarm system operation and maintenance.

- (1) A permit holder shall:
 - (aa) Maintain the premises containing an alarm system in a manner that ensues proper

operation of the alarm system;

- (bb) Maintain the alarm system in a manner that will minimize false alarm notifications;
- (cc) Respond or cause a representative to respond within a reasonable period of time when requested by the city to repair or inactivate a malfunctioning alarm system, to provide access to the premises or to provide security for the premises;
- (dd) Not manually activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report;
- (ee) Notify the police department prior to activation of an alarm for maintenance purposes;
- (2) 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 thirty (30) minutes after being activated.

H. Alarm reset.

A permit holder of an alarm system that utilizes a local alarm shall adjust the mechanism or cause the mechanism to be adjusted so that, upon activation, the local alarm will not transmit another alarm signal without first being reset.

I. Alarm systems keyed to a Primary Trunk Line.

No alarm system shall be keyed to a primary trunk line but shall report only over a properly installed and designated telephone line

J. Alarm system operating instructions.

- (1) A permit holder shall maintain at each alarm site a complete set of written operating instructions for each alarm system.
- (2) This subsection does not apply to special codes, combinations or passwords.

K. Alarm dispatch records.

- (1) The police dispatcher receiving the alarm notification and/or the police officer responding to a dispatch from a burglary or robbery notification shall cause to be recorded in the police information systems such information as necessary to permit the chief to maintain records, including but not limited to the following information:
 - (aa) Identification of the permit holder;
 - (bb) Identification of the alarm site (permit number);
 - (cc) Dispatcher received time, dispatch time and officer arrived at scene time;
 - (dd) Date of occurrence;
 - (ee) Name of permit holder's representative on premises, if any.
- (2) The responding police officer shall prepare and submit the appropriate reports in regard to any criminal offenses, attempts or other incidents which contributed to the alarm notification as determined by investigation.

L. False Alarms

- (1) Except as provided in subsections (2) and (3) below, a permit holder commits an

offense and is subject to the penalties specified in Section (m) below if there is a false alarm notification emitted from the permit holder's alarm system that is in excess of five (5) false alarms within any twelve-month period.

- (2) If the responding police officer determines that an alarm notification was caused by unauthorized intrusion, attempted unauthorized intrusion, robbery or attempted robbery, that notification will not be counted in determining whether or not a violation of this section has occurred.
- (3) An alarm notification will not be counted in determining whether or not a violation of this section has occurred if the permit holder can show, by clear and convincing evidence, that the alarm notification was the result of a severe weather condition, such as a tornado, hurricane or earthquake or other weather condition that causes physical damage to the alarm site, or the result of a malfunction in the operation of the telephone lines for the transmission of alarm signals, evidence of the latter being documented in the form of telephone company work orders or time stamped records from the alarm company showing the periods of interrupted service.

M. Violations; penalty

- (1) A person commits an offense if he violates by commission or omission any provision of this chapter that imposes upon him a duty or responsibility.
- (2) A person who violates a provision of this chapter is guilty of a separate offense for each day or portion of a day during which the violation is committed, continued or permitted, and each offense is punishable by a fine of not more than two hundred dollars (\$200.00) but not less than fifty dollars (\$50.00) upon first conviction and not less than seventy-five dollars (\$75.00) upon second and subsequent convictions.
- (3) In addition to prohibiting or requiring certain conduct of individuals, it is the intent of this chapter to hold a corporation, partnership or other association criminally responsible for acts or omissions performed by an agent acting in behalf of the corporation, partnership or other association, and within the scope of his employment.

SECTION II.

All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION III.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION IV.

This Ordinance will take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

Passed and Approved this the 16th day of October, 2001.

Passed and Adopted this the 6th day of November, 2001.

APPROVED:

Henry C. Madgwick, Sr., Mayor

ATTEST:

John Rounsavall, City Secretary

APPROVED AS TO FORM:

Mary Gayle Ramsey, City Attorney