

ORDINANCE NO. 2011-O-12D

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANGLETON, TEXAS, REPEALING ORDINANCE NO. 2011-O-8A AND ADOPTING A NEW ALARM SYSTEMS ORDINANCE IN ITS PLACE; FOR THE PURPOSE OF PROVIDING FOR AN ALARM PERMITTING PROCESS AND THE RECOVERY OF COSTS INCURRED BY THE CITY IN RESPONDING TO EXCESSIVE FALSE ALARMS; PROVIDING A PENALTY FOR VIOLATION; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING AN OPEN MEETINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANGLETON,

TEXAS:

SECTION 1. That Ordinance No. 2011-O-8A, adopting Article XI, Alarm Systems is hereby repealed.

SECTION 2. That Article XI, Alarm Systems is hereby adopted to read as follows:

"ARTICLE XI. ALARM SYSTEMS

Sec. 5-546. Definitions.

As used in this article, the terms herein are defined as follows:

Alarm, burglar: Any device or series of devices intended to prevent or detect an unauthorized entry or attempted unauthorized entry into the alarm site.

Alarm, dial: Any alarm or device which automatically selects a telephone line connected to police headquarters and reproduces a prerecorded message to report a crime intrusion or other emergency requiring police response.

Alarm, false: The activation of an alarm system or a fire alarm through mechanical failure, malfunction, improper installation, inclement weather or the negligence of the subscriber, owner or lessee of said system or his employees, agents or representatives. Specifically excepted are acts of God, such as false alarms caused by hurricanes, tornadoes, earthquakes and the like. If cancellation of an alarm occurs within two minutes of the call being received in the dispatch center, no false alarm fee will be assessed.

Alarm, fire: Any device or combination of devices intended to detect the presence of combustion, smoke, fire, or flame in any occupancy.

Alarm, holdup: Any type alarm system or device designated to be activated by the alarm user or subscriber in the event of a holdup or robbery.

Alarm, home: Any alarm device or system which is connected to a residence.

Alarm, panic: Any type alarm system or device that is manually activated by an Alarm User that designates they are being forced to turn off the system or are under duress.

Alarm site: The specific property or area of the premises upon or within which an alarm system is or is to be installed. Each unit, if served by a separate alarm in a multi-unit building or complex, shall be considered a separate Alarm Site.

Alarm system: Any device used to detect or prevent burglary, theft, shoplifting, pilferage or other such emergency situations which, when activated, causes notification to be made directly or indirectly to the police department; or any device or system designed primarily for the purpose of giving an audible or visual signal of an attempted burglary, theft, shoplifting, pilferage or other such emergency. For the purposes of this article, an alarm system shall *not* include:

(1) An alarm installed on a motor vehicle;

(2) An alarm designed so that no notification is given to the police until after the occupants, or an agent of the owner or lessee, have checked the alarm site and determined that there was physical evidence at the site showing that the alarm was the result of criminal activity of the kind the alarm system was designed to give notice.

Alarm system business: Any person employed by an alarm business whose duties include altering, installing, maintaining, moving, repairing, replacing, selling, servicing, responding to or monitoring an alarm system. It shall also mean any person employed or otherwise associated with an alarm business who has access to confidential information relating to a customer or subscriber of such alarm business which could be used to compromise or defeat an alarm system.

Alarm user: Any person on whose premises an alarm system is maintained.

Chief of police: The chief of the Angleton Police Department or his designated representative.

City: The City of Angleton, Texas.

Person: Any individual, corporation, business, school district or other organization.

Subscriber: A person or business which buys or otherwise obtains an alarm system and has a contract with an alarm business to monitor and/or service the alarm system.

Sec. 5-547. Registration permits.

(a) Any person operating or causing to be operated an alarm system or a fire alarm must apply to the police chief for a permit. The initial residential fee of twenty-five dollars (\$25.00) per year shall be prorated from the date the permit is issued until December 31 and the fee paid before a residence may use an alarm system in the City of Angleton. The initial commercial permit fee of fifty dollars (\$50.00) per year shall be prorated from the date the permit is issued until December 31 and the fee paid before a business may use an alarm system in the City of Angleton.

(b) For all subsequent years, permits must be renewed by January 1, and upon payment of fees described in Sec. 5-553, the permit shall be valid January 1 through December 31.

(c) No person shall operate, cause to be operated or permit the operation of an alarm system or fire alarm unless a current registration permit has been issued by the city for such system. This subsection shall not be applicable to an alarm system business; but the person in control of the property which the alarm system is designed to protect shall be subject to prosecution if he permits the operation of such system without a valid registration permit.

(d) Each registration permit issued in accordance with this article shall be valid through December 31, unless it is revoked in accordance with this chapter, or unless the control of the property is transferred from the permit holder.

(e) The registration holder for an alarm system or fire alarm shall keep such permit at the alarm site and shall produce such permit for inspection upon the request of any member of the police department and/or fire department.

(f) Nonprofit corporations or organizations, federal, state, county and city entities and school districts, are hereby exempt from any registration fees but shall be responsible for obtaining registration permits, paying for fines pursuant to Sec. 5-553 and complying with all other provisions of this Article.

(g) The City may refuse to issue a certificate of occupancy/change of occupancy if the premises to which such certificate relates has an alarm system that is not permitted pursuant to this Article.

Sec. 5-548. Registration application; issuance of registration permit.

(a) Application for a registration permit for the operation of an alarm system or fire alarm shall be made by a person having control over the property on which the alarm system is to be installed and operated. Such applications shall be made in writing to the Police Chief on a form designated by the City for that purpose.

(b) Each application for a permit required by the Police Chief must contain:

- (1) The name, address, telephone number and billing address of the person responsible for the proper maintenance and operation of the alarm system;
- (2) The name, address and telephone number of the premises of the alarm user and the name, address and telephone number of alarm user's place of employment.
- (3) The name, address and telephone number of at least two (2) persons who are able and have agreed to receive notification from a member of the police department or fire department at any time and to come to the alarm site promptly after receiving such notification; and

- (4) The applicant must acknowledge and agree to the following statement: "By applying for this permit, the permit holder acknowledges that response may be influenced by factors such as the availability of police and/or fire units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels, and prior response history.
- (c) The permit must be renewed no later than January 1st of each year. If the permit is not renewed by January 1st, the police department shall give written notice to the permit holder that the permit must be renewed. If the permit is not renewed within thirty (30) days after notice is given, the permit shall be cancelled.
- (d) The person in control of the property on which an alarm system is installed shall:
- (1) Ensure that any person listed on the application for registration permit:
 - a. Receive notification of an alarm being activated on the premises;
 - b. Come to the alarm site within thirty (30) minutes after receiving a request from a member of the police department and/or fire department to do so;
 - c. Grant access to the alarm site; and
 - d. Deactivate the alarm system or fire alarm if it becomes necessary.
 - (2) Train all persons who are authorized to activate the alarm system or fire alarm in the proper operation of such alarm.
- (e) The person in control of the property on which an alarm system or fire alarm is installed shall ensure that all information supplied on the original registration permit is current. The City must be notified in writing within seventy-two (72) hours of any changes or modifications; such as new employees or persons to notify in case of alarm activation.
- (f) Any permit issued pursuant to this Ordinance shall be nontransferable.

Sec. 5-549. Power supply.

Any alarm system which necessitates response by a law enforcement agency or is a public alarm shall be provided with standby power to automatically maintain the system in a normal condition for a period of four (4) hours in the event of the interruption of the primary power source. This does not apply where the central monitoring equipment produces a distinctive signal indicating power failure at the protected premises and a police response is not required.

Sec. 5-550. Dial alarm receiving equipment.

After the enactment of this article, no automatic protection devices, known as dial alarms or dialers, will be installed and keyed to any police emergency trunk line.

Sec. 5-551. Testing of equipment.

No person shall conduct any test or demonstration of an alarm without first notifying the City by contacting the telephone number on the alarm permit application.

Sec. 5-552. Penalties.

(a) Violation of any subsection of this Article shall be punishable by a fine not to exceed the fine established in section 1-14 the City Code of Ordinances.

(b) Operation of an alarm system or fire alarm without a permit is an offense. Each day an alarm is operated without a permit shall constitute a separate offense.

(c) The knowing failure of an alarm user to repair an alarm where required herein is an offense hereunder. Each day during which such failure continues shall constitute a separate offense.

(d) The intentional installation or maintenance of an alarm not in accordance with the requirements of this article is an offense hereunder.

(e) It is an offense to knowingly or recklessly fail to attend upon the scene of an alarm activation within the time period set forth herein after actual notice has been given to the person designated to enter and control any premises.

Sec. 5-553. Fees and Fines.

A fine will be assessed to the Alarm User of an alarm system or fire alarm for each response by the city to each false alarm in accordance with the tables below. The calculation of False Alarms is done by using the preceding 12-month period from when the False Alarm occurred, this is also known as the Reckoning Period.

Residential Fees	
Combination Burglar, Hold-Up/Panic and Fire Alarm Permit Cost	\$25.00
Permit Duration	12 mo Term
Reckoning Period	Preceding 12 mo
Fines	
Fine for 4th & 5th False Alarm (Burglar)	\$50.00/ea
Fine for 6th & 7th False Alarm (Burglar)	\$75.00/ea
Fine for 8th or more False Alarm (Burglar)	\$100.00/ea
Fine for 4th False Alarm (Hold-Up/Panic)	\$50.00/ea
Fine for 5th or more False Alarm (Hold-Up/Panic)	\$75.00/ea
Fine for 4th False Alarm (Fire)	\$50.00/ea

Fine for 5 th False Alarm (Fire)	\$75.00/ea
Fine for 6 th or more False Alarm (Fire)	\$100.00/ea

Commercial Fees	
Combination Burg & Hold-Up/Panic and Fire Alarm Permit Cost	\$50.00
Permit Duration	12 mo Term
Reckoning Period	Preceding 12 mo
Fines	
Fine for 4 th & 5 th False Alarm (Burglar)	\$50.00/ea
Fine for 6 th & 7 th False Alarm (Burglar)	\$75.00/ea
Fine for 8 th or more False Alarm (Burglar)	\$100.00/ea
Fine for 4 th False Alarm (Hold-up/Panic)	\$100.00/ea
Fine for 5 th or more False Alarm (Hold-up/Panic)	\$200.00/ea
Fine for 4 th False Alarm (Fire)	\$100.00/ea
Fine for 5 th False Alarm (Fire)	\$200.00/ea
Fine for 6 th or more False Alarm (Fire)	\$300.00/ea

The person designated by the City Manager to collect fees and or fines for false alarms will furnish to the city attorney a list of those Alarm Users who have failed to pay their assessed fines or fees for false alarms. The city attorney will take appropriate action for collection.

Sec. 5-554. Exemption for charge for cost of response.

Any exemption from the above-delineated charges for responses to false alarms may be granted by the chief of police or fire chief if such extenuating circumstances are present that would merit such exemption.

Sec. 5-555. Revocation of Registration Permit or Refusal to Permit an Alarm System.

(a) Annual Registration Permits issued in accordance with this Article may be revoked for any violation of this Article and for the failure to pay a Fee or Fine rendered in accordance with this Chapter or for failure to pay a Fine or Fee rendered in the Angleton Municipal Court of Record for a violation of this Article.

(b) The City may revoke or refuse to permit an alarm system or fire alarm if the Alarm User or applicant has accrued more than eight (8) false alarms during the preceding 12-month period. Such refusal to permit or such revocation of permit due to numerous false alarms shall become effective upon written notice by the City to applicant at the address given in the application or to the address of the location of the alarm system or fire alarm in the event there is no valid address on an application.

(c) Not less than ten (10) business days before such revocation, the person who applied for the alarm registration permit that is being revoked shall be given written notice and have an opportunity to be heard before the person who is revoking such permit, or that person's designee. If the person whose alarm registration permit is being revoked desires a hearing on whether such revocation is warranted, they must deliver in writing within ten (10) business days after notice of the revocation has been delivered a request for hearing stating the reasons for appealing the revocation of the alarm registration permit. Upon receipt of the written notice of appeal, the person responsible for hearing the appeal shall schedule a hearing within fifteen (15) business days wherein he or she shall make a decision on the basis of the preponderance of evidence presented at the hearing and determine whether the alarm registration permit shall be revoked.

Sec. 5-556. Reinstatement Provision.

(a) A permit can be reinstated if the revoked permit holder pays the application fee which is the same as that for a new permit application, and shows that:

- (1) The cause of all of the chargeable false alarms has been corrected; and
- (2) All fees assessed have been paid.

(b) If a permit holder has had a permit revoked twice during the term of that permit, that person must wait a period of one year from the date of the second revocation or, if an appeal has been requested, from the date the written determination denying the permit issued pursuant to an appeal before applying for a new permit for that alarm site.

Sec. 5-557. Available Remedies.

The rights and remedies granted to the City in accordance with this Article are not exclusive and the City may use all other rights and remedies available by law to enforce this law and collect the Fees and Fines assessed in accordance with this Article."

Sec. 5-558. Government Immunity.

Alarm permits are not intended to, and do not create a contract, duty or obligation, either expressed or implied. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By applying for an alarm permit, the permit holder acknowledges that response may be influenced by factors such as the availability of police or fire units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels, and prior response history.

Sec. 5-559. Effective date.

The requirement to register all alarm systems installed within the city and other provisions of this article shall become effective beginning December 23, 2011.

Secs. 5-560 -- 5-580 . Reserved.”

SECTION 3. That if any section or part of this Ordinance is held unconstitutional, illegal, or invalid, then such unconstitutionality, illegality or invalidity of such section or part shall in no way effect, impair, or invalidate the remaining portion or portions, the same shall remain in full force and effect and to this end, the provisions of this Ordinance are declared to be severable.

SECTION 4. That all provisions of the Code of Ordinances of the City of Angleton, Texas, that are in conflict with the provisions of this Ordinance are repealed to the extent of that conflict only. All the remaining provisions of the Code of Ordinances that are not in conflict with this Ordinance shall remain in full force and effect.

SECTION 5. That the City Council has found and determined that the meeting at which this Ordinance is considered is open to the public and that notice thereof was given in accordance with the provisions of the Texas Open Meetings Act, Texas Government Code, Chapter 551, as amended, and that a quorum of the City Council was present.

SECTION 6. That this Ordinance shall be effective not less than ten (10) days from the date of its passage in accordance with the City Charter and the City Secretary is hereby directed to cause the caption to be published in the official newspaper of the City at least once within ten (10) days after the passage of the Ordinance.

SECTION 7. That this Ordinance shall be in full force and effect from and after January 1, 2012.

PASSED and APPROVED ON this 13th day of December, 2011.

CITY OF ANGLETON

RANDY RHYNE, Mayor

ATTEST:

SHELLY DEISHER, City Secretary

APPROVED AS TO FORM:

MARY KAY FISCHER, City Attorney

DEPARTMENT USE ONLY
CK# _____
MO# _____
EFT# _____
AMTS _____
DATE _____
RENEWAL DATE _____

ANGLETON
Alarm System Permit/Registration Application

Permit/Registration #

A NON-REFUNDABLE PERMIT/REGISTRATION FEE MUST BE SUBMITTED WITH EACH PERMIT/REGISTRATION FORM.
MAKE CHECK OR MONEY ORDER PAYABLE TO: **Angleton Police Department – Alarm Unit**

A. Residential Alarm User Information: (Residential alarm users, please complete Section A and C through G.)

Alarm User Name: _____
First Name Last Name

Alarm Location: _____
Street Number Street Prefix Street Name Street Suffix Suite/Apt No.

City State Zip Code Gate Code

Home Phone Work Phone Cell Phone or Pager Email Address

Type of Alarm (check all that apply): Burglar Panic Medical Robbery/Holdup

B. Commercial Alarm User Information: (Commercial alarm users, please complete Section B through G.)

Name of Corporation, Sole Proprietor or Partners _____

Trade Name(s) Used by Business _____

Alarm Location: _____
Street Number Street Prefix Street Name Street Suffix Street/Apt No.

City State Zip Code Business Phone Number

Owner or President of Business: _____
First Name Last Name

Home Phone Work Phone Cell Phone or Pager Email Address

Local Manager: _____
First Name Last Name

Home Phone Work Phone Cell Phone or Pager Email Address
(if different from Location of Alarm System)

C. Mailing Address _____

D. Contact Information: (List two people, other than the owner, who can respond to an alarm activation.)

1st Contact Name: _____
First Name Last Name

Home Phone Work Phone Cell Phone or Pager Email Address

2nd Contact Name: _____
First Name Last Name

Home Phone Work Phone Cell Phone or Pager Email Address

E. Alarm Service/Install Company: _____

License No. _____ **Contact Person** _____ **Phone** _____

F. Alarm Monitoring Company: _____

License No. _____ **Contact Person** _____ **Phone** _____

G. Special Conditions: (List hazardous conditions/materials, guard dogs, security personnel, weapons, directions to alarm site, etc)

I have carefully read the completed application and know the same to be true and correct. I hereby agree that if a permit is issued, I will comply with all the provisions of the City of Angleton Code of Ordinance ARTICLE XI and any amendments of changes to same. I understand that I will be responsible for payment of all fees and charges and any civil action which may arise from the operation of this alarm system