

ORDINANCE NO. 2010 - 04

AN ORDINANCE RELATING TO ALARM SYSTEMS

WHEREAS the City of Gatesville, Texas is experiencing a high volume of false alarms for both fire and burglar alarms; and

WHEREAS these false alarms are taking valuable time away from the police and fire departments;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GATESVILLE, TEXAS, that the following ordinance be adopted into Article _____ of the Code of Ordinances of the City of Gatesville, Texas:

Section 1. Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alarm site shall mean a single premises or location (one street address) served by an alarm system or systems that are under the control of one owner.

Alarm system shall mean an assembly of equipment (or a single device, such as a solid state unit which plugs directly into a 110 volt AC line) arranged to signal the presence of a hazard requiring urgent attention and to which the department is expected to respond. Systems commonly referred to as burglar alarm systems, panic/alert systems, and fire alarms are included. Alarms system does not include:

(1) An alarm installed on a vehicle, unless the vehicle is permanently located at a site; or

(2) An alarm designed to alert only the inhabitants of a premises, which does not have a local alarm.

Alarm user shall mean the owner, agent or person in control of the premises where an alarm system is maintained within the city.

Alarm Business shall mean any individual, company, partnership, corporation or other entity, which alters, installs, maintains, moves, repairs, replaces, sells, leases,

services, or monitors any alarm system that responds to a stimulus characteristic of unauthorized intrusion, fire or medical emergency.

Automatic dialing device shall mean 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.

Burglar alarm system shall mean an alarm system signaling an entry or attempted entry into the area protected by the system.

Calendar year shall be measured from January 1 to December 31.

Department shall mean the Gatesville Police Department or any authorized agent thereof.

Fire alarm system shall mean an alarm system signaling the presence or suspected presence of a fire in the area protected by the system.

Non-Valid alarm shall mean the activation of an alarm system, which is not the result of emergency or threat of emergency for which the alarm system was designed to give notice and for which the responding police officer finds no evidence of any criminal activity or other emergency. This term shall include activation of an alarm system through mechanical or electrical failure, malfunction, improper installation or the negligence of the owner or lessee of an alarm system or of their employees or agents. This term shall not include activation which results from any of the following:

(1) Alarms caused by an attempted illegal entry of which there is visible evidence, illegal entry or other demonstrable criminal activity.

(2) Alarms occurring on a repeated basis without apparent cause but where continuous decided effort, in the sole opinion of the department, is being made jointly by the alarm user and the alarm business used by the alarm user for installation or servicing, and any other concerned person to correct the malfunction expeditiously.

(3) Alarms intentionally caused by a person acting under a reasonable belief that a need exists to call the department.

(4) Alarms followed by an immediate call to the department canceling the alarm by giving the proper code number prior to the arrival at the alarm site by the department.

(5) Alarms resulting from the servicing of an alarm system by an alarm business when, prior to such repair or service, the alarm user or their agent has, in person, notified the department that the alarm system will be repaired or serviced at the particular date and time coinciding with the alarm.

(6) Alarms that are activated during periods of severe weather, such as thunderstorms and high winds, or periods of widespread power failure.

Section 2. Permit and fee required

A permit shall be required for any business or residential entity to use, operate or cause to be used or operated, any alarm system within the city.

A separate permit application is required for each business or residential alarm site.

Any business or residential entity wishing to use, operate, or cause to be used, or operated, an alarm system that was installed before the effective date of this article must apply for a permit within sixty (60) days after the effective date of this article.

An annual, non-refundable fee must be paid upon filing of an application for a new or renewal permit. The permit is valid for a period of twelve (12) months from the date of issuance, and may be renewed by submitting an updated application and renewal fee to the police department. The fee for a business/commercial is \$50.00 and \$25.00 for residential.

Upon receipt of the required fee and properly completed application form, the department shall issue a permit unless there is cause to believe the alarm system will not be maintained and operated in accordance with this article, or that the applicant will not comply with each provision of the article. If issued, the permit will be affixed in a location at the alarm site as prescribed by the department.

Each permit application shall be upon a form promulgated by the department and verified by the applicant and must specify:

(1) The name, address, and telephone number of the applicant, who will be the alarm user or the authorized representative thereof, and who shall be responsible for the proper operation and maintenance of the alarm system;

(2) For each alarm system located at the alarm site, the classification of the alarm system (i.e. burglary, robbery, fire) and whether the notification is audible or silent;

(3) Any dangerous or special conditions present at the alarm site;
and

(4) If applicable, the type of business conducted at the alarm site.

An alarm permit is non-transferable and any attempted or purported transfer shall immediately void the permit. At least three (3) days prior to the effective date of any change, the alarm user shall inform the department in writing of any changes that alter information listed on the permit application. No fee will be assessed for such changes.

Any materially false or misleading statement made by an applicant on the application for the original issuance or subsequent renewal of a permit shall be sufficient cause for refusal to grant, or suspension of a permit.

Section 3. Service fee schedule for false alarms

All service fees owed by an applicant must be paid before a permit may be issued or renewed.

No service fee will be charged within any twelve-month period for the first five (5) false alarm notifications.

A person who is required to obtain a permit shall pay a service fee for each false alarm notification within any twelve-month period as described in the following service fee schedule:

a. First five (5) false alarm notifications are free. All subsequent false alarm notifications during this period will be assessed a \$75.00 service fee.

b. For the purposes of determining the service fee set out above, the burden shall be on the permit holder to prove that the activation of the alarm system was not a false alarm.

Section 4. Information recorded

The department shall record calls made in response to alarms, including, but not limited to the following information, if available:

- a) Identification of the permit holder.
- b) Identification of the alarm site.
- c) Arrival time and time call cleared.
- d) Time of day and date.
- e) Physical damage to the structure likely to have caused the alarm.
- f) Name of the permit holder's representative on premises, if any.

Section 5. Violations and penalty

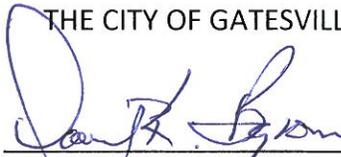
A person commits an offense if the person violates by commission or omission any provision of this chapter that imposes upon them a duty of responsibility.

A person who is required to have a permit under this chapter commits an offense if the person knowingly operates, or causes or permits to be operated, an alarm system without a current alarm permit issued by the department.

A person who is required to have a permit under this chapter commits an offense if the person knowingly operates, or causes or permits to be operated, an alarm system during the period in which the alarm permit is revoked or suspended.

A person who violates a provision of this chapter is guilty of a separate offense for each violation committed, or for each violation that continues from one day to the next, and each offense is punishable by a fine of not more than five hundred dollars (\$500.00).

The foregoing Ordinance No. 2010-04 was read the first time and passed to the second reading this 23rd day of February, 2010.

THE CITY OF GATESVILLE, TEXAS
BY: 

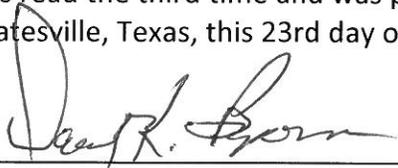
DAVID K. BYROM, MAYOR

The foregoing Ordinance No. 2010-04 was read the second time and passed to the third reading this 9th day of March, 2010.

BY: 

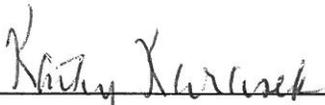
DAVID K. BYROM, MAYOR

The foregoing Ordinance No. 2010-04 was read the third time and was passed and adopted as an Ordinance to the City of Gatesville, Texas, this 23rd day of March, 2010.

BY: 

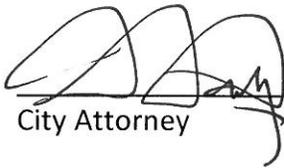
DAVID K. BYROM, MAYOR

ATTESTED:



City Secretary

APPROVED:



City Attorney