

TOWN OF ADDISON, TEXAS

ORDINANCE NO. 000-001

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING CHAPTER 30, ARTICLE III (“ALARM SYSTEMS”) OF THE CODE OF ORDINANCES OF THE CITY BY PROVIDING THAT BURGLAR ALARM AND ROBBERY ALARM SYSTEM PERMITS ARE ISSUED AND REGULATED BY THE CHIEF OF POLICE AND DELETING ALL REFERENCES TO FIRE ALARM AND EMERGENCY MEDICAL ASSISTANCE ALARM SYSTEMS; AMENDING DEFINITIONS; AMENDING THE INFORMATION REQUIRED TO BE INCLUDED IN AN APPLICATION FOR AN ALARM PERMIT; PROVIDING FOR NOTICE TO A PERMIT HOLDER PRIOR TO IMPOSITION OF A FALSE ALARM SERVICE FEE; PROVIDING OTHER AMENDMENTS TO THE SAID CHAPTER 30, ARTICLE III; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

Section 1. Amendment. Chapter 30, Article III (“Alarm Systems”) of the Code of Ordinances (the “Code”) of the Town of Addison, Texas (the “City”) is hereby amended as set forth in Exhibit A attached hereto and incorporated herein (additions are underlined, deletions are ~~struck through~~), and all other chapters, articles, sections, subsections, paragraphs, sentences, phrases and words of the Code are not amended but are hereby ratified, verified, approved and affirmed.

Section 2. Savings. This Ordinance shall be cumulative of all other ordinances of the City affecting alarms and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those Ordinances are in direct conflict with the provisions of this Ordinance.

Section 3. Severability. The sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares that it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

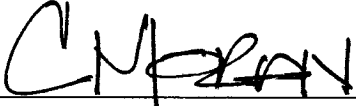
Section 4. Effective date. This Ordinance shall become effective from and after its date of passage as provided by law.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this the 11th day of January, 2000.



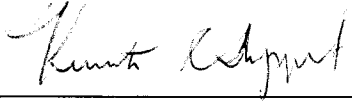
Mayor

ATTEST:



Carmen Moran, City Secretary

APPROVED AS TO FORM:



Ken Dippel, City Attorney

Published
2/18/00



EXHIBIT A

[ADDITIONS ARE UNDERLINED; DELETIONS ARE ~~STRUCK THROUGH~~]

Chapter 30

ARTICLE III. ALARM SYSTEMS

DIVISION 1. GENERALLY

Sec. 30-61. 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 means a location or premises served by an alarm system.

Alarm system means a device or system that transmits or relays a signal intended to summon law enforcement emergency services of the town, as illustrated by, but not limited to, local alarms. Alarm system does not include:

- (1) An alarm installed on a vehicle unless installed at a permanent site;
- (2) An alarm designed to alert only the inhabitants of a premises; or
- (3) An alarm installed upon premises occupied by the town.

Burglar alarm means an alarm system designed to provide a burglar alarm notification.

Burglar alarm notification means a notification intended to summon the police, which is initiated or triggered manually or by an alarm system designed to respond to a stimulus characteristic of unauthorized intrusion.

Chief of Police mean the Chief of Police of the town or the Chief's designee.

~~*Director* means the chief of police or his authorized representative.~~

~~*Emergency medical assistance alarm notification* means a notification intended to summon emergency medical assistance from the town.~~

False burglar alarm notification means a burglar alarm notification to the police, when the responding police officer finds no evidence of unauthorized intrusion or attempted unauthorized intrusion.

~~*False emergency medical assistance alarm notification* means an emergency medical assistance alarm notification to the fire department, when the responding fire department personnel finds no evidence of need for emergency medical assistance.~~

~~False fire alarm notification means a fire alarm notification to the fire department, when the responding fire department personnel find no evidence of a fire having occurred or of a need for fire department services.~~

~~False robbery alarm notification means a robbery alarm notification to the police, when the responding police officer finds no evidence of a robbery.~~

~~Fire alarm notification means a notification to the fire department intended to summon fire fighting forces, which is initiated or triggered manually by an alarm system designed to react to any of the visual or physical characteristics of fire.~~

~~Local alarm means an alarm system that emits a signal at an alarm site that is audible or visible from the exterior of a structure and has as its purpose the summoning of aid from a town department.~~

~~Robbery alarm means an alarm system designed to provide a robbery alarm notification.~~

~~Robbery alarm notification is a notification intended to summon the police when a robbery occurs by means of an alarm system designed to be purposely activated by a human, and includes a panic/ambush alarm system.~~

Sec. 30-62. Violations—Generally.

A person commits an offense if he violates by commission or omission any provision of this article that imposes upon him a duty or responsibility.

Sec. 30-63. Same—Associations.

In addition to prohibiting or requiring certain conduct by individuals, it is the intent of this article 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.

Sec. 30-64. Operation and maintenance.

- (a) A permit holder under this article shall:
 - (1) Cause an adjustment to be made to the sensory mechanism of his alarm system in order to suppress false indications, and
 - (2) Maintain premises containing an alarm system in a manner that insures proper operation of the alarm system.
- (b) A person in control of a local alarm shall:
 - (1) Adjust the mechanism so that an alarm signal will sound for no longer than 30 minutes after being activated; or

- (2) Provide personnel within 30 minutes after being notified by the town, to reset the alarm system and provide access to the premises; and
- (3) Display in a prominent exterior location an identification notice provided by the Chief of Policedirector.

Sec. 30-65. Manual reset.

A person in control of a local alarm or an alarm system that causes an alarm notification to be sent directly to the town shall adjust or cause the adjustment of the mechanism so that upon activation the system will transmit only one alarm signal and will not transmit another alarm signal without first being manually reset.

Sec. 30-66. Reporting of alarm signals generally.

A permit holder under this article shall not report his alarm signals through a relaying intermediary that does not meet the requirements of this article and any rules and regulations promulgated by the Chief of Policedirector or is not licensed by the state board of private investigators and private security agencies.

Sec. 30-67. Direct Alarm reporting.

~~A permit holder under this article whose alarm system transmits automatic alarm notifications, other than alarm notifications from financial institutions, directly to the city over the normal telephone system shall:~~

- ~~(1) Transmit in the form and content specified by the director;~~
- ~~(2) Transmit over special telephone ones designed for such use;~~
- ~~(3) Design his system so that it will notify the permit holder, or his designated agent identified on the permit application, when an alarm is transmitted to the city;~~
- ~~(4) Furnish the director with satisfactory copies of the alarm operation procedures, maintenance procedures and an up to date circuit diagram of the components of the alarm system;~~
- ~~(5) Furnish the name, address and telephone number of an alarm company licensed by the Texas Board of Private Investigators and Private Security Agencies, responsible on a twenty four (24) hour, seven (7) days a week basis for correcting any malfunction that may occur.~~

Sec. 30-6768. Indirect alarm reporting.

A person who is engaged in the business of relaying alarm notifications to the town shall:

- (1) Send notification of an alarm to the town by a human operator;

- (2) ~~Keep his business premises locked and secured at all times;~~
- (3) ~~Allow an inspection of his business premises by the or the director at any time;~~
- (4) ~~Report alarms only over a special telephone number or numbers, designated by the Chief of Police~~director; and
- (3)(5) Send alarm notifications to the town in a manner and form determined by the Chief of Police~~director~~.

Sec. 30-6869. Inspection.

Upon reasonable notification, the police chief, ~~the fire chief or the designated representative or either~~ may inspect an alarm site and alarm system of a permit holder under this article.

Sec. 30-6970. Other types of alarms.

A person shall not install or maintain an alarm system except for the purpose of eliciting responses to burglaries, robberies, fires or requests for emergency assistance, unless specifically authorized by the Chief of Police or the Fire Chief of the town, as applicable~~director~~.

Sec. 30-7071. Innovations.

If innovations in alarm systems or other types of alarm devices adversely affect emergency law enforcement services of the town, the Chief of Police~~director~~ may promulgate rules and regulations in order to protect the town's emergency services.

DIVISION 2. PERMIT

Sec. 30-91. Required.

A person who owns or exercises control over any dwelling or any business and who desires to operate an alarm system at the dwelling or the business shall obtain a permit to operate the alarm system from the Chief of Police. A person commits an offense if he operates or causes to be operated an alarm system without first obtaining such a permit from the Chief of Police~~director~~. A separate permit shall be obtained for each property, whether a dwelling or a business, with its own street address.

Sec. 30-92. Different types of notification.

~~A separate permit under this article is required for each type of alarm capable of being emitted from each alarm site.~~

Sec. 30-9293. Application.

Each permit application under this article must contain the following information:

- (1) name, address, and telephone number of the individual or alarm user representative who will be the permit holder and will be responsible for the proper maintenance and operation of the alarm system and payment of fees or charges levied under this article;
- (2) the street address of the property, including the suite or office number, on which the alarm system is to be installed and operated;
- (3) classification of the alarm site as either residential or commercial;
- (4) any business name or title used for the alarm site;
- (5) the name of at least two other people to respond to an alarm in the event the permit holder is not available; and
- (6) Any other information required by the Chief of Police or Fire Chief which they deem necessary to enforce the provisions of this article.

Sec. 30-9394. False statement.

Any false statement or misrepresentation of a material fact made by an applicant for the purpose of obtaining an alarm permit or renewal, or while making a change thereto, shall be sufficient cause for refusal to grant, or suspension of, a permit.

Sec. 30-9495. Issuance.

Upon receipt of the required fee and completed application form, the Chief of Police~~director~~ shall issue a permit under this article unless there is cause to believe the equipment responsible for initiating an alarm will not be maintained and operated in accordance with this article or the applicant will not comply with each provision of this article.

Sec. 30-9596. Fee.

A nonrefundable fee of \$25.00 ~~\$12.00~~ per year is required for a each-burglar permit or robbery alarm permit, or both, or permit renewal (the total fee owed for either permit or both permits being \$25.00) under this article; provided, however, that no permit fee is required for new permits or renewal of existing permits for residential alarm systems. The permit fee shall be paid on or before January 15 of each year. The cost of an initial permit shall be prorated by multiplying the permit fee times the number of months remaining in the calendar year at the time of issuance (including the month in which the permit is issued) divided by 12 months (example: permit issued on July 20 = \$25.00 x 6 months remaining /12 months = \$12.50 initial permit fee). Permits issued prior to January 1, 2001 shall expire on December 31, 2000 and a person holding such a permit shall obtain a new permit or permit renewal in accordance with this article; provided, however, that a person shall be entitled to a credit for such new permit or permit renewal equal to the cost of the permit times the number of months which would have remained for the permit (based on a 12 month permit) had the permit not expired in accordance

herewith (example: one year permit issued September 1, 2000 at a cost of \$25.00; permit expires December 31, 2000; 8 months would have remained on permit had permit not expired, and 8/12 of \$25.00 = \$16.67; new permit or permit renewal issued at cost of \$25.00 - \$16.67 = \$8.33).

Sec. 30-9697. Transfer.

An alarm permit cannot be transferred to another person. However, the individual designated to respond to an alarm or relay an alarm may be changed. A permit holder shall inform the director of any change that alters information listed on the permit application. No fee will be assessed for such changes.

Sec. 30-9798. Duration.

An initial permit issued under this article shall expire on December 31 of the year in which it is issued. Each renewal permit issued thereafter is valid for a period of~~A permit under this article is issued for one year (with an expiration date of December 31) and must be renewed each year thereafter by payment of the permit fee.~~

Sec. 30-9899. Renewal generally.

It is the responsibility of the permit holder under this article to pay the renewal fee in accordance with Section 30-95~~prior to the expiration date. The director has the prerogative of determining the first expiration date, however. This initial period shall be no less than one nor more than two years from the date of issuance of the permit.~~

Sec. 30-99100. Suspension or refusal to renew; termination of permit.

(a) The Chief of Police~~director~~ may terminate, suspend or refuse to renew an alarm system permit for any violation of this article; provided, however, that an alarm system permit may not be terminated for nonrenewal unless at least 30 days written notice of such termination has been provided.

(b) The Chief of Police~~director~~ shall suspend, terminate or refuse to renew an alarm permit if an alarm system generates more than an excessive number of false alarm notifications in a consecutive twelve (12) month period. In each respective category, an excessive number shall be:

- (1) Ten false burglar alarms; and
- (2) Five false robbery alarms;
- (3) ~~Three false emergency medical assistance alarms; and~~
- (4) ~~Five false fire alarms.~~

(c) A suspension of an alarm system permit may be lifted or permit renewed upon a sufficient showing that the conditions which caused the action have been corrected and if

the ~~Chief of Police~~director determines that the alarm system is likely to be maintained and operated in a responsible manner in accordance with the provisions of this article.

(d) A person commits an offense if he operates an alarm system during a period of suspension or termination or after the ~~Chief of Police~~director refuses to renew his permit.

Sec. 30-100404. Appeals.

(a) If the ~~Chief of Police~~director refuses to issue or renew a permit, or suspends a permit, issued under this article, he shall, within a reasonable time, send to the applicant or permit holder by certified mail, return receipt requested, written notice of his action and a statement of the right to an appeal. In the event the notice by certified mail is not received, the Police Chief may send the notice by regular United States mail or by hand delivery.

(b) The applicant or permit holder may appeal a decision of the ~~Chief of Police~~director under subsection (a) of this section to the city manager by filing with the city manager a written request for a hearing, setting forth the reasons for the appeal, within ten days after receipt of the notice from the director, or in the event the notice sent by certified mail is not received, within ten (10) days from the date of the notice sent by regular United States mail or by hand delivery. The filing of a request for an appeal hearing with the city manager stays the an action appealed from of the director in suspending a permit until the city manager makes a final decision. If a request for an appeal hearing is not made within the said ten-day period, the action of the ~~Chief of Police~~director is final.

(c) The town manager or his representative shall serve as the hearing officer at an appeal hearing and shall consider evidence offered by any interested person relative to the decision appealed from. The formal rules of evidence do not apply at an appeal hearing; the hearing officer shall make his decision on the basis of a preponderance of the evidence presented at the hearing. The hearing officer must render a decision within thirty (30) days after the request for an appeal hearing is filed. The hearing officer shall affirm, reverse or modify the action of the ~~Chief of Police~~director. The decision of the hearing officer in an appeal under this article is final.

~~(d) The decision of the hearing officer in an appeal under this article is final unless the applicant or permit holder files a written request with the city council for a hearing within ten days after receipt of the action of the hearing officer. A written request to the city council stays the action of the hearing officer in suspending or refusing to renew or issue a permit until the city council renders a final decision.~~

~~(e) If a request for an appeal hearing with the city council under this article is filed within ten (10) days of notice of the hearing officer's action, the city council shall hear and consider evidence offered by any interested person. The formal rules of evidence do not apply to an appeal hearing before the city council. The city council shall decide the appeal on the basis of a preponderance of the evidence presented at the hearing. The city council shall affirm, reverse or modify the action of the hearing officer by a majority~~

~~vote; failure to reach a majority decision on a motion shall leave the hearing officer's decision unchanged. The result of an appeal hearing before the city council is final.~~

DIVISION 3. ALARM SIGNAL LINES FOR FINANCIAL INSTITUTIONS

Sec. 30-121. Connection to the police department.

A financial institution required to have an alarm system pursuant to the provisions of the Bank Protection Act of 1968 (12 U.S.C., Section 1882) may install, with the permission of the chief of police, a signal line directly to the police department for the purpose of reporting burglaries and robberies. If such an arrangement is made, all other requirements of this article must be met. The financial institution shall execute a letter of agreement with the town permitting the installation of all necessary equipment on an indicator panel monitored in the communications division of the police department. The installation must be accomplished at the institution's expense.

Sec. 30-122. Fee.

A financial institution shall pay an annual fee under this article of \$100.00 for each indicator.

Sec. 30-123. Authority of police chief.

The ~~chief of police~~ chief shall have the right, at reasonable times and upon oral notice, to inspect the alarm system of financial institutions at the alarm site and require necessary repairs or improvements. If the ~~chief of police~~ chief finds that the alarm system continually fails to operate or be operated to his satisfaction, he may terminate the privilege to have equipment and indicators in the communications center of the police department and require prompt removal of same at the expense of the financial institution.

Sec. 30-124. Continuous operation; town not liable.

A financial institution, at its expense, shall make arrangements to provide service for the alarm system at the instance of the financial institution or the chief of police on a 24-hour basis, seven days a week. In no event shall the town become liable for service charges for repairs and maintenance of any such signaling device.

Sec. 30-125. Cancellation of agreement.

A financial institution may cancel its agreement under this article with the town at any time by giving the town written notice through the chief of police, whereupon such institution, at its expense, shall have its equipment and indicators promptly removed from the monitor panel in the communications center.

Sec. 30-126. Changes in equipment.

The chief of police~~chief~~ has the right to require any change, modernization or consolidation of alarm signaling equipment of financial institutions that he deems advisable. In no event shall the town become liable for charges for such changes.

Sec. 30-127. Telephone reporting.

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 chief of police.

DIVISION 4. FALSE ALARM SERVICE CHARGE

Sec. 30-146. Exemption.

A permit holder under this article ~~shall~~ will be exempt from any service fee charged for a false alarm notification which is later shown to have been justified or which was due to a natural or man-made catastrophe or other situation specifically exempted by the Chief of Police~~director~~.

Sec. 30-147. Time of payment.

A permit holder under this article shall pay a fee assessed under this article within 30 days after receipt of notice that it has been assessed.

Sec. 30-148. Burglar and robbery alarms.

(a) Burglar alarms. The holder of a permit (whether current, suspended, terminated or nonrenewed) for a burglar alarm system issued under this article shall pay a service fee of Fifty Dollars (\$50.00) for each false burglar alarm notification emitted from an alarm site that is in excess of five (5) false burglar alarm notifications for the period of time during which the permit is in effect. ~~If, within any 12-month period following the issuance of a permit under this article, three false burglar alarm notifications are emitted from an alarm site, the director shall assess the permit holder in control of that alarm site a fee of \$50.00 for each subsequent false burglar alarm notification emitted from the site. When permits are renewed, each permit holder will start over again with no false alarms.~~

(b) Robbery alarms. The holder of a permit (whether current, suspended, terminated or nonrenewed) for a robbery alarm system issued under this article shall pay a service fee of Seventy-Five Dollars (\$75.00) for each false robbery alarm notification emitted from an alarm site for the period of time during which the permit is in effect.

Sec. 30-149. Emergency medical assistance alarms.

~~The director shall assess the permit holder of an emergency medical assistance alarm a fee of \$50.00 for each false emergency medical assistance alarm notification emitted from the alarm site.~~

Sec. 30-150. Fire alarms.

~~If, within any 12-month period following the issuance of a permit under this article, three false fire alarm notifications are emitted from an alarm site, the director shall assess the permit holder in control of that alarm site a fee of \$100.00 for each subsequent false fire alarm notification emitted from the site. When permits are renewed, each permit holder will start over again with no false alarms to be carried over into the next 12 months from the previous 12 months for which the permit was issued.~~

Sec. 30-151. Robbery alarms.

~~The director shall assess the permit holder of a robbery alarm a fee of \$75.00 for each false robbery alarm notification emitted from the alarm site.~~