

TOWN OF ADDISON, TEXAS

ORDINANCE NO. 006-049

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 30 (EMERGENCY SERVICES), ARTICLE III (ALARM SYSTEMS), SECTION 30-62 (VIOLATIONS - GENERALLY), SECTION 30-95 (FEE), AND SECTION 30-147 (TIME OF PAYMENT) THEREOF AS SET FORTH HEREIN; PROVIDING THAT THE OPERATION OF AN ALARM SYSTEM WITHOUT FIRST OBTAINING A PERMIT FROM THE CITY CONSTITUTES A MISDEMEANOR WHICH, UPON CONVICTION, IS SUBJECT TO A FINE IN AN AMOUNT NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00) AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY ON WHICH A VIOLATION OCCURS; PROVIDING THAT DELINQUENT FEES ARE SUBJECT TO A LATE CHARGE IN THE AMOUNT OF TEN PERCENT OF THE FEE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Amendment. Chapter 30 (Emergency Services), Article III (Alarm Systems), Section 30-91 (Required), Section 30-95 (Fee), and Section 30-147 (Time of Payment) of the Code of Ordinances (the “Code”) of the Town of Addison, Texas (the “City”) is hereby amended in the following particulars, and all other chapters, articles, section, subsections, paragraphs and words are not amended but are ratified and confirmed.

A. Section 30-62 of the Code is amended so that it shall hereafter read as follows (additions are underlined, deletions are ~~struck through~~):

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. Any person who operates an alarm system in violation of this article shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed five hundred dollars (\$500.00). Each day of violation shall constitute a separate and distinct offense.

B. Section 30-95 of the Code is amended so that it shall hereafter read as follows (additions are underlined, deletions are ~~struck through~~):

Sec. 30-95. Fee.

(a) A nonrefundable fee of \$25.00 per year is required for a 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), and shall be paid at the time of the issuance of the initial permit. 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).~~

(b) A permit fee that is not timely paid in accordance with this section is delinquent. A permit fee that has been delinquent for at least sixty (60) days shall be subject to a late charge equal to ten (10) percent of the amount of the fee.

C. Section 30-147 of the Code is amended so that it shall hereafter read as follows (additions are underlined, deletions are ~~struck through~~):

Sec. 30-147. Time of payment.

A permit holder under this article shall pay a fee assessed under this division within 30 days after receipt of notice that such fee has been assessed; a fee not paid within such time period is delinquent. Such a fee that has been delinquent for at least sixty (60) days shall be subject to a late charge equal to ten (10) percent of the amount of the fee.

Section 2. Effective Date of Increase. The changes in the fees set forth in Section 1 above shall be effective from and after January 1, 2007.

Section 3. Savings. This Ordinance shall be cumulative of all other ordinances of the City 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 4. 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 portion of this Ordinance, and the City Council hereby declares that it would have passed such remaining portion of this Ordinance despite such invalidity, which remaining portion shall remain in full force and effect.

Section 5. Effective Date. This Ordinance shall become effective from and after its date of passage and publication as provided by law.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this 23rd day of October, 2006.

Joe Chow, Mayor

ATTEST:

By: _____
Mario Canizares, City Secretary

APPROVED AS TO FORM:

By: _____
Ken Dippel, City Attorney