

**ORDINANCE 942**

**AN ORDINANCE REQUIRING PERMITS FOR BURGLAR ALARM SYSTEMS WITHIN THE CITY; PROVIDING DEFINITIONS; ESTABLISHING FEES FOR PERMITS AND EXCESSIVE FALSE ALARMS; PROVIDING FOR A PENALTY NOT TO EXCEED \$500.00; PROVIDING FOR THE REPEAL OF ORDINANCE NO. 738 RELATING TO REGISTRATION OF BURGLAR ALARM SYSTEMS; AND PROVIDING FOR SEVERABILITY.**

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**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PINEY POINT VILLAGE, TEXAS:**

**Section 1.** The Code of Ordinances of the City of Piney Point Village, Texas, is hereby amended by repealing Ordinance No. 738 and replacing it as follows:

1. **Definitions.** The following words, terms, and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Section.

ALARM SITE means the premises within the City on which a burglar alarm system is, or will be, installed or operated.

BURGLAR ALARM SYSTEM means a device or system that transmits a signal intended to alert law enforcement officers or others of an unlawful entry or attempted unlawful entry into premises within the City.

CHARGEABLE FALSE ALARM means a false alarm to which the City's Police Department has responded within thirty (30) minutes of receiving notification.

CITY means the City of Piney Point Village, Texas.

CITY SECRETARY means the City Secretary of the City of Piney Point, Village.

FALSE ALARM means the transmitting of a signal by a burglar alarm system indicating an unlawful entry or attempted unlawful entry into an alarm site when no such unlawful entry or attempted unlawful entry has occurred.

POLICE DEPARTMENT means the Village Police Department.

SHUTOFF DEVICE means a device or feature of a burglar alarm system that acts automatically to shut off any audible signal emitted by the burglar alarm system within a predetermined time after the activation of the signal.

## 2. Permits.

- (a) It shall be unlawful to install or operate a burglar alarm system within the City without a valid permit obtained in accordance with the provisions of this Section.
- (b) Applications for permits shall be filed with the City Secretary by, or on behalf of, a person who has control over the alarm site.
- (c) Applications shall contain the following information:
  - (1) the full name, residence address, and business and residence telephone number of the applicant;
  - (2) the street address of the alarm site;
  - (3) a description of the nature of the ownership or other interest the applicant has in the alarm site;
  - (4) if the applicant is not the owner of the alarm site, the name, address, and telephone number of the - owner;
  - (5) the name and telephone numbers of the current occupants, if any, of the alarm site;
  - (6) the name and telephone number of a person or business entity that has agreed, in the event of an alarm, to come to the alarm site, within one hour of being notified, for the purpose of granting access to the premises or deactivating the burglar alarm system;
  - (7) the name and telephone number of a person or business entity that has agreed to make repairs to the burglar alarm system at any time such repairs become necessary; and
  - (8) a certification by the applicant that the system proposed to be installed or operated is equipped with a shutoff device in compliance with Section 6 of this Ordinance.

## 3. Permit Fees.

- (a) The fees for issuance of permits shall be \$50.00
- (b) The fee for the annual renewal of a permit shall be Fifty Dollars (\$50.00).

4. Terms and Conditions of Permits.

- (a) All permits shall expire on January 1 of the year following the year in which they were issued, or last renewed, unless the permit holder pays the annual renewal fee,
- (b) Permits shall be personal to the applicant and are not transferable.
- (c) The issuance of a permit does not create or grant any right or privilege other than the right and privilege to install and operate a burglar alarm system, within the City.
- (d) Permit holders shall keep their permits at the alarm sites for which they were issued and shall produce the permits for inspection upon the request of any member of the Police Department.
- (e) Permits may be revoked by the City upon failure of the permit holder to comply with the provisions of this Ordinance.

5. False Alarm Fees. In addition to the fees for issuance or renewal of a permit, permit holders shall pay the sum of Fifty Dollars (\$50.00) for each chargeable false alarm in excess of five (5) chargeable false alarms in any twelve-month period.

6. Shutoff Devices. All burglar alarm systems within the City shall be equipped with shutoff devices designed or adjusted to shut off the burglar alarm system's audible signal within fifteen (15) minutes after its activation.

7. Building Codes. The requirements of this Ordinance are in addition to any applicable requirements of the City's Building Code.

8. Penalty. The violation of any of the provisions of this Ordinance shall be punishable by a fine not to exceed \$500.00.

9. Revocation of Permits.

- (a) A permit may be revoked if:
  - (1) The permit holder has failed to make payment to the City of any fees assessed under Section 5 of this Ordinance within sixty (60) days of the date the City has mailed a notice to the permit holder that the fees are due and owing; and
  - (2) Mechanical malfunction or faulty equipment has caused five (5) or more false alarms by the burglar alarm system in the twelve-month period immediately preceding the date of notice of hearing.
- (b) A permit shall not be revoked under item (1) of this Section if the permit holder shows that the fees have been paid. A permit shall not be revoked under item (2) of

this Section if the permit holder shows that since the most recent false alarm from such alarm system, the system has been repaired and that the police department has inspected such alarm system and found it to have been properly repaired.

10. Revocation Procedure.

- (a) Prior to revocation of a permit, written notice shall be given to the permit holder or his agent by personal delivery or by certified mail addressed to the permit holder at the address set out in the application for the permit, The notice shall state;
  - (1) the amount of any fees assessed under Section 5 of this Ordinance that are due and owing, and the dates on which those fees were incurred, if the proposed revocation is based in whole or in part upon item (1) of Section 9 of this Ordinance;
  - (2) the specific dates of any false alarms from the alarm site which were caused by mechanical malfunction or faulty equipment, if the revocation is based in whole or in part upon item (2) of Section 9 of this Ordinance;
  - (3) that a hearing will be held before the chief of police or his designated representative to determine whether the permit should be revoked;
  - (4) the date, time, and place of the hearing; and
  - (5) that the permit holder may appear in person, may be represented by counsel, may present testimony, and may cross examine any witnesses.
- (b) All hearings shall be held by the chief of police or his designated representative who shall be referred to as the hearing officer. The chief of police shall not designate any person to perform the duties of hearing officer under this Section who has prior knowledge of the allegations or circumstances of the proposed revocation.
- (c) The following rules shall apply to the hearings:
  - (1) All parties shall have the right to representation by a licensed attorney though an attorney is not required;
  - (2) Each party may present witnesses in his own behalf;
  - (3) Each party has the right to cross examine any witnesses; and
  - (4) Only evidence presented before the hearing officer at the hearing may be considered in rendering the order.

- (d) If the permit holder fails to appear at the hearing at the time, place, and date specified, the City shall be required to present sufficient evidence to establish a prima facie case showing that grounds exist for revocation of the permit.
- (e) The hearing officer shall give written notice of his finding to the permit holder and if the officer finds that grounds exist for revocation of the permit the officer shall revoke the permit. Upon receipt of notice of revocation, the permit holder shall disconnect the burglar alarm system immediately and surrender the permit to the City Secretary or the city Secretary's designee.

11. Reinstatement of Permits.

- (a) For permits revoked on the grounds set forth in item (2) of Section 9 of this Ordinance, the permit holder may request that an inspection be made after the burglar alarm system has been repaired. The inspection shall be made by the Police Department as soon as possible and not later than ten (10) City working days after receipt of the request. The permit will be reinstated if, upon inspection by the Police Department, it is found that the system has been properly repaired, all fees assessed under Section 5 of this Ordinance for the alarm have been paid, and the permit holder has made a written request for reinstatement of the permit to the City Secretary.
- (b) For permits revoked on the grounds set forth in item (1) of Section 9, the permit will be reinstated if all fees assessed under section 5 have been paid and the person in control of the property has made a written request for reinstatement of the permit to the City secretary.

12. Burglar Alarm System registrations issued by the City Secretary prior to the effective date of this Ordinance are hereby defined to be "permits" under section 1 above and shall remain in effect until their expiration.

13. Ordinance No. 738, as amended to date, is hereby repealed.

14. If any provision of this Ordinance or the application hereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without defeating the purpose or objective of the provisions, and to this end, the provisions of this Ordinance are declared severable.

**Section 2.** Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fine din an amount not to exceed \$2,000.00. Each day of violation shall constitute a separate offense.

**Section 3.** In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect,

impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City council of the City of Piney Point Village, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED, APPROVED, AND ADOPTED this 28<sup>th</sup> day of November, 2005.

  
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Carol Fox, Mayor

ATTEST:

  
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Lorena Briel, City Administrator