

ORDINANCE NO. 2016-4144

AN ORDINANCE AMENDING Art. VI, ALARM SYSTEMS, CHAPTER 18 OF THE CODE OF ORDINANCES OF THE CITY OF ARANSAS PASS, TEXAS, BY AMENDING SECTIONS 18-60-DEFINITIONS; 18-61-PERMIT REQUIRED, APPLICATION, TRANSFERABILITY, FALSE STATEMENTS; 18-63-FEE FOR PERMIT, DURATION, RENEWAL; 18-64-SERVICE CHARGE; 18-65-REPORTING OF ALARM SIGNALS; 18-69-SUSPENSION OF PERMIT, OFFENSE TO OPERATE; AND, PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARANSAS PASS, TEXAS:

SECTION 1: Certain sections of Article VI-Alarm Systems, Chapter 18 of the Code of Ordinances are hereby amended to read as set forth below:

"ARTICLE VI. - ALARM SYSTEMS"

"Sec. 18-60. - Definitions.

The following definitions shall apply in the interpretation and enforcement of this article:

Alarm site means a premises or location served by an alarm system.

Alarm system means a device or system that transmits a signal intended to summon police or fire services of a municipality in response to a burglary or fire event. The term includes an alarm that emits an audible signal on the exterior of a structure. *Alarm System* does not include:

- (a) An alarm installed on a vehicle unless the vehicle is used for a habitation at a permanent site;
- (b) An alarm designed to alert only the inhabitants of a premises; nor
- (c) An alarm installed upon premises occupied by the City.

Alarm permit means a certificate, license, permit, or other form of permission that authorizes a person to engage in an action. An alarm permit is valid for one year from the date of its issuance.

Burglar alarm or false alarm notification means a notification of possible criminal activity or a fire event reported to a public safety facility (Police, Fire & EMS Communications Facility):

- (a) That is based solely on electronic information remotely received by an alarm systems monitor;
- (b) That is uncorroborated by eyewitness, video, or photographic evidence that an emergency exists; and
- (c) Concerning which an agency of the municipality has verified that no emergency exists after an on-site inspection of the location from which the notification originated.

False alarm notification includes the following: a burglar alarm, holdup or robbery alarm, fire alarm, or smoke alarm.

City administrator means the city manager or his authorized representative, but must not be a policeman or fireman for the City of Aransas Pass.

Director means the Chief of Police, or his authorized representative.

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 City department.

Person means an individual, corporation, partnership, association, organization or similar entity.

Robbery alarm notification includes holdup/panic alarm notifications and is a notification by means of an alarm system designed to be purposely activated by a human who intended to summon the police in an emergency.

Sec. 18-61. - Permit required; application, transferability, false statements.

- (a) A person commits an offense if he operates or causes to be operated an alarm system without first obtaining a permit from the director.
- (b) Any person with an alarm system on the effective date of this article must apply for a permit within sixty (60) days of installation of the system or after the effective date of this article.
- (c) Upon receipt of the required fee and completed application form, the director shall issue a permit 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.
- (d) Each permit application must contain the 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.
- (e) 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 in writing of any change that alters information listed on the permit application. No fee will be assessed for such changes.
- (f) 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, and may result in criminal charges.

Sec. 18-63. - Fee for permit; duration, renewal.

- (a) Residential alarm permits: A nonrefundable fee of thirty-five dollars (\$35.00) per year is required. The permit must be renewed annually thereafter by payment of the stated permit fees. It is the responsibility of the permit holder to pay the renewal fee prior to the expiration date. The director has the prerogative of determining the initial expiration date, which shall not be less than one year from the permits date of issuance.
- (b) Business alarm permits: A nonrefundable fee of ninety-five dollars (\$95.00) per year. The permit must be renewed annually thereafter by payment of the stated permit fees. It is the responsibility of the permit holder to pay the renewal fee prior to the expiration date. The director has the prerogative of determining the initial expiration date, which shall not be less than one year from the permits date of issuance.
- (c) Government alarm permits: There are no fees or permitting requirements for ISD facilities or facilities owned and primarily controlled by the City of Aransas Pass, Texas. These entities shall keep an application on file and current from year to year.

Sec. 18-64. - Service charge.

- (a) If within the preceding twelve-month period three (3) false alarm notifications are emitted from an alarm site, the director shall assess the permit holder in control of that alarm site a fee of:
 - (1) Fifty dollars (\$50.00) for the fourth (4th) and fifth (5th) subsequent false alarm notification emitted from the site, or
 - (2) Seventy-five dollars (\$75.00) for the sixth (6th) and seventh (7th) subsequent false alarm notification emitted from the site, or
 - (3) One hundred dollars (\$100.00) for the eighth (8th) and each subsequent false alarm notification emitted from the site.
- (b) The director shall assess the permit holder of a robbery alarm notification a fee of one-hundred dollars (\$100.00) for each false robbery alarm notification emitted from the alarm site.
- (c) A permit holder shall pay a fee assessed under this section within thirty (30) days after receipt of notice that it has been assessed.
- (d) The permit holder will be exempt from any 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 director.

When a permit is renewed, the preceding twelve-month false alarm clock resets.

Failure to pay a specified fee is a violation of this article and could result in criminal charges.

Sec. 18-65. - Reporting of alarm signals.

A permit holder 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 director, is not licensed under Chapter 1702 of the Texas Occupations Code, or is not the owner of the property.

Violation of this section is an offense punishable by fine of up to \$250.00.


Sec. 18-69. - Suspension of permit; offense to operate.

- (a) The director may suspend or refuse to renew an alarm system permit for any violation of this article.
- (b) The director may suspend or refuse to renew an alarm permit if an alarm system generates in excess of eight (8) false alarm notifications in a twelve-month period.
- (c) A suspension may be lifted upon a sufficient showing that the conditions which caused the action have been corrected and if the 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 after the director refuses to renew his or her permit. "

SECTION 2: This ordinance shall take effect immediately upon publication as required and prescribed by the city charter.

PASSED AND APPROVED this the 4th day of April, 2016.

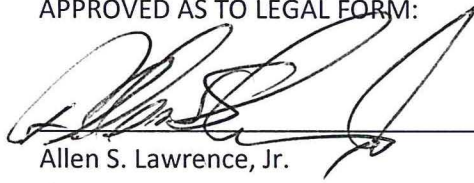
CITY OF ARANSAS PASS, TEXAS


By: Adan Chapa
Mayor

ATTEST:


Mary Juarez, City Secretary

APPROVED AS TO LEGAL FORM:


Allen S. Lawrence, Jr.
City Attorney