

AN ORDINANCE AMENDING CHAPTER 20, "OFFENSES," ARTICLE V, "BURGLAR ALARMS," OF THE ABILENE MUNICIPAL CODE, BY ADOPTING SELECTED REVISIONS TO ARTICLE V, SECTIONS 20-71 THROUGH 20-73 AS DESCRIBED BELOW, REGARDING BURGLAR ALARM PERMIT ISSUANCE AND REVOCATION; SETTING FALSE ALARM SERVICE FEES; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

- PART 1: That Chapter 20, Article V, "Burglar Alarms," of the Code of Ordinances, City of Abilene, Texas is hereby amended as set out in Exhibit A, attached and made a part of this ordinance for all purposes.
- PART 2: That if any portion of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.
- PART 3: That any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than Five Hundred Dollars (\$500.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense. Said Ordinance, being a penal ordinance, becomes effective 10 days after its publication in the newspaper, as provided by Section 19 of the City of Abilene Charter.

PASSED ON FIRST READING this 8 day of July, 1999.

PASSED ON SECOND/FINAL READING this 22 day of July, 1999.

ATTEST:

D. Moore
CITY SECRETARY

Grady Barr
MAYOR

APPROVED:

vj Canillo
CITY ATTORNEY

ORDINANCE NO. 31-1999

EXHIBIT A

ARTICLE V. BURGLAR ALARMS of the Code of Ordinances, City of Abilene, Texas, is hereby amended as follows:

Sec. 20-71. Permit application; issuance.

(a) No person shall operate, cause to be operated, or permit the operation of a burglar alarm system unless a valid permit has been issued by the police department for such system. This requirement shall not be applicable to a burglar alarm protective service, but is applicable only to the person in control of the property which the burglar alarm system is designed to protect. A burglar alarm system user shall be in violation of this article if he permits the operation of such a system without a permit.

(b) A burglar alarm permit holder or his agent shall obtain a permit for each burglar alarm system(s) operated at the site of the protected property. Each permit shall be valid for one year from the date of issuance and shall expire on the last day of the month of issuance. Each burglar alarm permit holder shall be responsible for contacting the Abilene Police Department to renew and update each system permit and application. Permits may be renewed at the Law Enforcement Center during regular business hours anytime during the permit expiration month. Failure to renew and update each system permit and application prior to the expiration date shall subject the permit holder to a service fee of fifty dollars (\$50.00) to renew the permit and application. Individuals who do not renew the permits and applications will not be allowed the five false alarms, as provided in section 20-72, before the service fee is assessed. No annual renewal fee shall be required of those permit holders who renew and update the permits and applications on or before the annual expiration date.

(c) Application for a permit for the operation of a burglar alarm system shall be made at the police department by the person having control over the property on which the burglar alarm system is to be installed and operated or by his agent. Application shall be made in writing on a form designated by the city. On such application form, the applicant shall set forth:

- (1) The name, address, and telephone number of each person in control of the property to be protected.
- (2) The street address of the property on which the burglar alarm is to be installed and operated.
- (3) A brief description of the type of property to be protected.
- (4) Any business name or title used for the premises on which the burglar alarm system is to be installed and operated.
- (5) Name, address, and telephone number of the burglar alarm protective service who will install and service the burglar alarm system.

- 8
- (6) Names and addresses of two or more persons who are able to and have agreed to receive notification at any time from the police department, to go to the burglar alarm system site to grant access to the alarm site and deactivate or reset the burglar alarm system.
 - (7) A signed agreement by the applicant, assuring that for each activation of the burglar alarm system for which he is seeking a permit, he will go, or cause his agent or representative to go, to the site of the burglar alarm system to allow police access and deactivate or reset the alarm system.
 - (8) Any other information required by the police department which is necessary for the enforcement of this article.

(d) The police department shall issue a permit to the individual, corporation, partnership or other legal entity in control of the property to be protected upon submission of a completed application and payment of the appropriate fee, unless any statement made on the application is incomplete or false.

(e) The police department, to the extent permitted by applicable law, shall treat all information on the application as confidential.

(f) Any permit issued pursuant to this ordinance shall be applicable only to the permit holder and is not transferable.

(g) Each permit issued to a burglar alarm system user shall be valid until such time as one of the following occurs:

- (1) Control of the property is transferred from the permit holder;
- (2) Permit holder voluntarily discontinues services provided by a particular burglar alarm protective service, and/or disconnects the burglar alarm system;
- (3) Revocation of the permit by the police department pursuant to section 20-73; or
- (4) The city, upon 30 days notice, terminates the permit for non-renewal of the annual permit.

(h) After the effective date of this ordinance, fees will be revised, as needed, by city council resolution. The revised fees will then be placed on file in the office of the city secretary.

Sec. 20-72. False alarms; service fees generally.

(a) Except as provided by subsection (c), the city will assess a service fee of fifty dollars (\$50.00) to the permit holder for each response by the city to notification of activation of a burglar alarm system which is determined to be a false alarm as defined by section 20-70, in excess of five false alarms during the immediately preceding 12-month period. Provided, however, that the city will assess only a twenty-five dollar (\$25.00) service fee for each false alarm in excess of three within a 24-hour period, after the first five false alarms.

(b) Except as provided by subsection (c), the city will assess a service fee of fifty dollars (\$50.00) to the permit holder for each burglar alarm system activation to which he does not go, or cause his agent or representative to go, to allow police access and deactivate or reset the burglar alarm system.

(c) After the effective date of this ordinance, fees will be revised, as needed, by city council resolution. The revised fees will then be placed on file in the office of the city secretary.

Sec. 20-73. Revocation of permits.

(a) The Chief of Police is authorized to revoke a burglar alarm system permit if the Chief of Police determines that:

- (1) There is a false statement of material matter on the application for a permit;
- (2) The permit holder has violated this article or any of its provisions; or,
- (3) The permit holder has failed to make timely payment of a service fee assessed under section 20-72.

(b) It shall be unlawful for any person to:

- (1) operate a burglar alarm system during the period in which his burglar alarm permit is revoked or expired; or
- (2) cause or permit another to operate a burglar alarm system, knowing that the alarm system permit is revoked or expired.

Such offense shall be a misdemeanor, punishable by a fine not to exceed five hundred dollars (\$500.00) per offense.

(c) At the discretion of the Chief of Police, the city's law enforcement response to a permit holder's burglar alarm site will be terminated if the permit holder fails to pay the Section 20-72 false alarm fees in full within 30 days of notice.