

3/19/19

AGENDA REQUEST

2 B

NO: 2019-046

☒ ORDINANCE ☐ RESOLUTION

CAPTION: An Ordinance amending the Code of Ordinances of the City of Pasadena, Texas at Chapter 30 Police, Article IV. Alarm Systems, by amending Sections 30-72, 30-73, 30-74, 30-76, 30-77, 30-78, 30-79, 30-80 and 30-83; providing a penalty; providing a repealing clause; providing a savings clause; and providing for severability.

RECOMMENDATIONS & JUSTIFICATION: Modify the alarm systems ordinance to reflect the current practice of the Permit Department having primary responsibility for alarm permitting and enforcement.

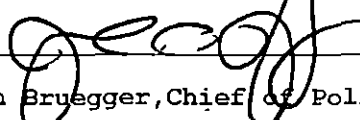

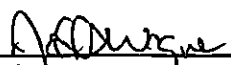
(IF ADDITIONAL SPACE IS REQUIRED, PLEASE ATTACH SECOND PAGE)

BUDGETED: ☐

COUNCIL DISTRICT(S) AFFECTED:

REQUIRES APPROPRIATION: ☐

See attached Certification

		COUNCIL ACTION	
REQUESTING PARTY (TYPED)		FIRST READING:	FINAL READING:
 Josh Bruegger, Chief of Police DATE: 2/26/19			
BUDGET DEPARTMENT		<u>Wheeler</u> MOTION	<u>Wheeler</u> MOTION
PURCHASING DEPARTMENT		<u>Harrison</u> SECOND	<u>Casado</u> SECOND
APPROVED:			
 CITY ATTORNEY		<u>3-19-19</u> DATE	<u>4-8-19</u> DATE
 MAYOR		DEFERRED: _____	



ORDINANCE NO. 2019-046

**An Ordinance amending the Code of Ordinances of the City of Pasadena, Texas at Chapter 30 Police, Article IV. Alarm Systems, by amending Sections 30-72, 30-73, 30-74, 30-76, 30-77, 30-78, 30-79, 30-80 and 30-83; providing a penalty; providing a repealing clause; providing a savings clause; and providing for severability.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PASADENA:

SECTION 1. That the Code of Ordinances of the City of Pasadena, Texas is hereby amended at Chapter 30 Police, Article IV. Alarm Systems, by amending Sections 30-72, 30-73, 30-74, 30-76, 30-77, 30-78, 30-79, 30-80 and 30-83, to hereafter read as shown on the attached Exhibit "A".

SECTION 2. That all ordinances in force when this Ordinance becomes effective which are inconsistent with, or in conflict with this Ordinance are hereby expressly repealed insofar as said ordinances are inconsistent with or are in conflict with this Ordinance.

SECTION 3. That all rights and remedies which have accrued in favor of the City under this Chapter and amendments thereto shall be and are preserved for the benefit of the City.

SECTION 4. That the City Council of the City of Pasadena, Texas does hereby declare that if any Section, subsection, paragraph, sentence, clause, phrase, word or portion of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the City Council would have passed and ordained any and all remaining portions of this Ordinance without the inclusion of that portion or portions which may be so found to be



unconstitutional or invalid, and declares that its intent is to make no portion of this Ordinance dependent upon the validity of any other portion thereof, and that all said remaining portions shall continue in full force and effect.

SECTION 5. That whenever in this article an act is prohibited or is made or declared to be unlawful or an offense or misdemeanor, or whenever in this article the doing of any thing or act is required or the failure to do any thing or act is prohibited, the violation of the provision shall be and constitute a misdemeanor punishable, upon conviction, by a fine not to exceed \$500.00. Each violation shall constitute and be punishable as a separate offense. Prosecution or conviction under this provision is cumulative of and shall never be a bar to any other civil or administrative remedy provided or allowed in this article or by law.

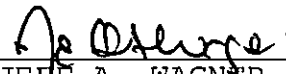
SECTION 6. That the City Council officially determines that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further confirms such written notice and the contents and posting thereof.

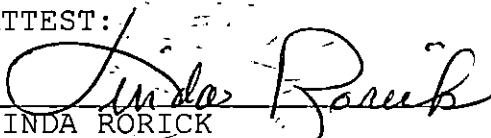
(SIGNATURE AND APPROVAL - NEXT PAGE)

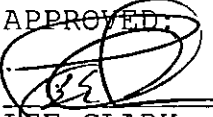


PASSED ON FIRST READING by the City Council of the City of  
Pasadena, Texas in regular meeting in the City Hall this the  
19<sup>th</sup> day of March, A.D., 2019.

APPROVED this the 19<sup>th</sup> day of March, A.D., 2019.

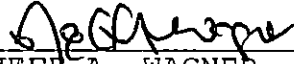
  
JEFF A. WAGNER, MAYOR  
OF THE CITY OF PASADENA, TEXAS

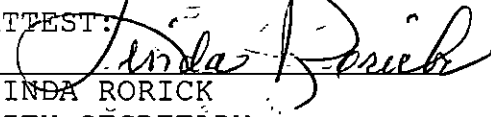
ATTEST:  
  
LINDA RORICK  
CITY SECRETARY  
CITY OF PASADENA, TEXAS

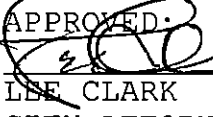
APPROVED:  
  
LEE CLARK  
CITY ATTORNEY  
CITY OF PASADENA, TEXAS

PASSED ON SECOND AND FINAL READING by the City Council of the  
City of Pasadena, Texas in regular meeting in the City Hall  
this the 8<sup>th</sup> day of April, A.D., 2019.

APPROVED this the 8<sup>th</sup> day of April, A.D., 2019.

  
JEFF A. WAGNER, MAYOR  
OF THE CITY OF PASADENA, TEXAS

ATTEST:  
  
LINDA RORICK  
CITY SECRETARY  
CITY OF PASADENA, TEXAS

APPROVED:  
  
LEE CLARK  
CITY ATTORNEY  
CITY OF PASADENA, TEXAS



Sec. 30-72. - Definitions.

For the purposes of this chapter the following definitions shall apply unless the content requires a different definition:

*Alarm protective service* means any service whereby the person providing such service installs, services, repairs, maintains, sells, replaces, or responds to an alarm system or which causes any of the activities to take place. For the purposes of this chapter, alarm protective services shall not include any persons engaged solely in the sale of alarm systems designed to cause an audible and/or visual signal to be emitted only in or on the premises in which the system is installed.

*Alarm site* means a single premises or location (one street address) served by an alarm system or systems that are under the control of one owner.

*Alarm system* means any assembly of equipment, device or devices arranged to signal the presence of a hazard requiring urgent attention and to which police are expected to respond. The term alarm system shall include the terms automatic holdup alarm system, burglar alarm system, holdup alarm system, and manual holdup alarm system as those terms are hereinafter defined. For the purpose of this chapter an alarm system shall not include:

- (1) Fire alarm systems and other alarm systems that monitor temperature, humidity, or any other condition not directly related to the detection of an unauthorized intrusion into a premises or an attempted robbery at a premises.
- (2) An alarm system installed on a motor vehicle.
- (3) An alarm system designed to alert only the inhabitants of a premises that does not have a local alarm.

*Alarm system user* means the owner, agent or person in control of the property on which an alarm system or systems is maintained within the corporate limits of the city.

*Automatic dialing device* means an alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, a pre-recorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect.

*Automatic holdup alarm system* means an alarm system in which the signal transmission is initiated by the action of a robber.

*Chief Building Official* means the ~~Chief of Police~~Building Official of the City of Pasadena, Texas or representative designated by such ~~chief~~Building Official.

*Burglar alarm system* means an alarm system signaling an entry or attempted entry into an area protected by the alarm system.

*Duress alarm* means the deliberate activation of a silent alarm by entering at a keypad a code that is different from the normal arm/disarm code, or by a separate deliberate act at another device.

*False alarm* means any activation of an alarm system through mechanical or electronic failure, malfunction, improper installation, negligence of the owner, agent or person in control of the property or any other such activation which is not a result of an emergency or threat of emergency for which the alarm system was designed to give notice and for which the responding police officer arrives within thirty (30) minutes after receipt of the alarm notification and finds no evidence of any criminal activity. For the purpose of this chapter a false alarm shall not include: Any activation of an alarm system to which the response by the police department is cancelled by the alarm protective service prior to arrival of responding police officer at the property on which the alarm system causing the response is located.

*Holdup alarm system* means an alarm system signaling a robbery or attempted robbery.

*Manual holdup alarm system* means an alarm system in which the signal transmission is initiated by the direct action of the persons attacked or by an observer of the attack.



*Monitoring* means the process by which an alarm company receives signals from an alarm system and relays an alarm notification to the city.

*Panic alarm* means an audible or silent alarm generated by the deliberate activation of a panic device.

*Permit* means a certificate of authorization issued by the ~~police-permit~~ department to the owner, agent, or person in control of the property which authorizes the operation of an alarm system or systems at an alarm site.

*Permit holder* means any individual, corporation, partnership, association, organization or other entity to whom an alarm system permit is issued.

*Person* means any individual, corporation, partnership, association, organization or other entity.

(Ord. No. 05-252, § 1, 10-18-05)

Sec. 30-73. - Permit application; issuance.

- (a) It shall be unlawful for any person to operate, cause to be operated, or permit the operation of an alarm system or systems at an alarm site unless a valid permit has been issued by the ~~police-permit~~ department for such system. This requirement shall not be applicable to an alarm protective service unless the alarm protective service is the owner, agent, or person in control of the property which the alarm system is designed to protect. An alarm system user shall be in violation of this chapter if he permits the operation of such system without a proper permit.
- (b) An alarm system user or his agent shall obtain an annual permit for each alarm site.
- (c) Application for a permit or renewal for the operation of an alarm system or systems at an alarm site shall be made with the ~~police-permit~~ department by the owner, agent, or person having control over the property on which the alarm system is to be installed and operated. 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 two (2) telephone numbers of the owner, agent, or person in control of the property to be protected;
  - (2) The street address of the property on which the alarm system is to be installed and operated;
  - (3) A brief description of the type of property to be protected (i.e. commercial, residential, or industrial, etc.);
  - (4) Any business name or title used for the premises on which the alarm system is to be installed and operated;
  - (5) Name, address, and telephone number of the monitoring company and alarm installation company that will install and service the alarm system.
  - (6) Names and telephone numbers of one or more persons who are able to and have agreed to receive notification at any time from the ~~police-permit~~ department in order to deactivate the alarm system if it becomes necessary;
  - (7) Any other pertinent information required by the ~~police-permit~~ department which is necessary for the enforcement of the charter by the Code Enforcement Officers.
- (d) The ~~police-permit~~ department shall issue a permit to the individual, corporation or other legal entity in control of the property to be protected upon submission in person or by mail of a completed application and payment of the appropriate fee, unless any statement made in the application is incomplete or false. Incomplete or false application information will result in rejection of the application.
- (e) The ~~police-permit~~ department shall treat all information on the application as confidential.



- (f) Any permit issued pursuant of this chapter shall be applicable only to the permit holder and is not transferable.
- (g) Each permit issued to an alarm system user shall be valid for a one-year period unless one of the following occurs earlier:
  - (1) Control of protected property is transferred from the permit holder;
  - (2) Permit holder voluntarily discontinues services provided by a particular alarm protective service, and/or disconnects alarm system;
  - (3) Revocation of the permit by the ~~police~~permit department pursuant to section 30-78.
- (h) The annual fee for a permit issued pursuant to this chapter shall be:
  - (1) Fifteen dollars (\$15.00) for a residential alarm site;
  - (2) Fifteen dollars (\$15.00) for a residential unit of an apartment complex; and
  - (3) Thirty dollars (\$30.00) for a commercial alarm site including an apartment complex.

(Ord. No. 05-252, § 1, 10-18-05)

Sec. 30-74. - Permit duration and renewal.

- (1) A permit expires one year from the date of issuance and must be renewed annually by submitting an updated application and a permit renewal fee in accordance with section 30-73 of this chapter. Before terminating a permit for nonrenewal, the ~~chief~~Building Official shall provide thirty (30) days prior written notice to the permit holder of the need to renew the permit and file an updated permit application.
- (2) The ~~chief~~Building Official may refuse to renew a permit for an alarm system that has had eight (8) or more false alarms during the calendar year (January 1 through December 31).

(Ord. No. 05-252, § 1, 10-18-05; Ord. No. 06-315, § 1, 12-19-06)

Sec. 30-76. - Monitoring procedures.

Any alarm company engaged in the business of monitoring alarm systems in the city shall:

- (1) Report alarm signals only by using telephone numbers designated by the ~~chief~~Building Official;
- (2) Before requesting police response to an alarm signal, attempt to verify every alarm signal, except a duress, hold up, or panic alarm activation;
  - a. For the purposes of this section verify means an attempt by the monitoring company, or its representatives to contact the alarm site and/or alarm user by telephone and/or other electronic means, whether or not actual contact with a person is made, to determine whether an alarm signal is valid before requesting law enforcement dispatch, in an attempt to avoid an unnecessary alarm dispatch request. For the purpose of this article, telephone verification shall require, as a minimum, that a second call be made to a different number if the first attempt fails to reach an alarm user who can properly identify themselves to determine whether an alarm signal is valid before requesting law enforcement dispatch.
- (3) When reporting an alarm notification to the city, provide the alarm permit number and address of the alarm site from which the alarm notification originated; and
- (4) Communicate alarm notifications to the city in a manner and form determined by the ~~chief~~Building Official.



(Ord. No. 05-252, § 1, 10-18-05)

Sec. 30-77. - Penalty fee for city responses to excessive false alarms.

- (a) For each false alarm the city will assess a penalty fee as follows:
- (1) Fifty dollars (\$50.00) if the location has had more than three (3) but fewer than six (6) other false alarms in the calendar year (January 1 through December 31);
  - (2) Seventy-five dollars (\$75.00), if the location has had more than five (5) but fewer than eight (8) other false alarms in the calendar year (January 1 through December 31); or
  - (3) One hundred dollars (\$100.00), if the location has had eight (8) or more other false alarms in the calendar year (January 1 through December 31).
- (b) Upon new alarm installation the alarm company will not call the police department dispatch for response for the first seven (7) days after installation. The monitoring company shall not make an alarm dispatch request of a law enforcement agency in response to a burglar alarm signal, excluding panic, duress and holdup signals, during the first seven (7) days following an alarm system installation. The ~~police chief~~Building Official may grant an alarm user's request for an exemption from this waiting period based upon a determination that special circumstances substantiate the need for the exemption.
- (c) A permit holder will not be assessed a penalty fee for a response to notification of the activation of an alarm system if the permit holder shows to the ~~police chief~~Building Official or his/her designated representative that the activation was not a false alarm and any response by the police department to such notification of an alarm system will not be included in determining the penalty fee set out above. For the purposes of determining the penalty fee set out above, the burden shall be on the permit holder to prove that the activation of the alarm system was not a false alarm.
- (d) The police officer responding to a false alarm shall place a notice in a visible location on a window of the location for which the false alarm was reported advising of the responding officer's name and time and date of the response to the false alarm.

(Ord. No. 05-252, § 1, 10-18-05; Ord. No. 06-315, § 1, 12-19-06)

Sec. 30-78. - Revocation of permits.

- (a) The ~~chief of police~~Building Official may revoke an alarm system permit if he/she determines that:
- (1) There is a false statement of a material matter on the application for a permit;
  - (2) The permit holder has violated this chapter or any of its provisions; or
  - (3) The permit holder has failed to make timely payment of a penalty fee assessed under section 30-77 within thirty (30) days of mailed notification to permit holder.
  - (4) The permit holder has had eight (8) or more false alarms during the calendar year (January 1 through December 31).
- (b) It shall be unlawful for any person to operate an alarm system during the period in which his alarm permit is revoked.
- (c) A permit holder or person in control of an alarm system shall attempt to resolve the revocation or denial of a permit with the ~~chief~~Building Official or his/her designated representative before filing an appeal as described in section 30-79.
- (d) The fee for reinstatement of any permit after revocation shall be two hundred fifty dollars (\$250.00). This fee, however, shall not apply to any reinstatement made pursuant to an appeal under section 30-79.



(Ord. No. 05-252, § 1, 10-18-05; Ord. No. 06-216, § 1, 9-12-06; Ord. No. 06-315, § 1, 12-19-06)

Sec. 30-79. - Appeal from penalty fee; denial or revocation of a permit.

- (a) Any permit holder aggrieved by the decision to assess a penalty fee by the ~~chief of police~~Building Official or his designated representative as provided for in section 30-77, may appeal the decision to a Judge of the Pasadena Municipal Court by filing with the city secretary a written request for a hearing, setting forth the reasons for the appeal within ten (10) days after the ~~chief of police~~Building Official or his/her designated representative renders the decision. The filing of a request for an appeal hearing with the city secretary stays an action of the ~~chief of police~~Building Official in assessing a penalty fee until a judge makes a final decision. If a request for an appeal hearing is not made within the ten-day period, the action of the ~~chief of police~~Building Official or his/her designated representative is final.
- (b) If the ~~chief of police~~Building Official refuses to issue or revokes a permit, he shall 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. The applicant or permit holder may appeal the decision of the ~~chief of police~~Building Official to a Judge of the Pasadena Municipal Court by filing with the city secretary a written request for a hearing, setting forth the reasons for the appeal, within ten (10) days after receipt of the notice from the ~~chief of police~~Building Official. The filing of a request for an appeal hearing with the board stays an action of the ~~chief of police~~Building Official in revoking a permit until the board makes a final decision. If a request for an appeal hearing is not made within the ten-day period, the action of the ~~chief of police~~Building Official is final.

(Ord. No. 05-252, § 1, 10-18-05; Ord. No. 06-216, § 2, 9-12-06)

Sec. 30-80. - Standards for alarm protective services and alarm system operation.

- (a) The ~~chief of police~~Building Official may set reasonable standards and procedures to be followed by any alarm protective service when giving notice to the ~~police permit~~ department or activation of an alarm system. Such standards and procedures shall be set out in writing and made available to any alarm system business requesting same.
- (b) It shall be unlawful for a person to operate or cause to be operated any automatic dialing device which when activated uses a telephone device or attachment to automatically select a telephone line leading into the communication center of the police department and then transmits any prerecorded message or signal.

(Ord. No. 05-252, § 1, 10-18-05)

Sec. 30-83. - System performance reviews.

- (a) If there is reason to believe that an alarm system is not being used or maintained in a manner that ensures proper operation to suppress false alarms, the ~~chief~~Building Official may require a conference to review the circumstances of each false alarm with the alarm permit holder and the alarm company under contract with the alarm permit holder. A person may be issued a citation for failing to attend a system performance review after receiving notice of the conference from the ~~chief~~Building Official.
- (b) This ordinance will be enforced by the City of Pasadena Code Enforcement Officers with the direction of the Building Official.

(Ord. No. 05-252, § 1, 10-18-05)