

ORDINANCE NO. 3426-9-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 8 TITLED “LICENSES AND BUSINESS REGULATIONS” BY AMENDING ARTICLE IV TITLED “ALARM SYSTEMS”; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE, PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500); AND PROVIDING FOR AN EFFECTIVE DATE.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, THAT:

SECTION 1. The Code of Ordinances of the City of Allen, Texas, be and the same is hereby amended by amending Chapter 8 titled “Licenses and Business Regulations”, by amending Article IV titled “Alarm Systems”, by amending various sections of Article IV to read as follows:

“ARTICLE IV. - ALARM SYSTEMS

Sec. 8-96. – Definitions.

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Alarm system means a device or system that transmits a signal intended to summon an emergency service of the city. The term includes an alarm that emits an audible signal on the exterior of a structure. The categories of alarm systems in this article shall include robbery, burglary, fire, emergency medical assistance and emergency assistance. In this article alarm system does not include:

- (1) an alarm installed on a vehicle, unless the vehicle is used for a habitation at a permanent site;
- (2) an alarm designed to alert only the inhabitants of a premise and the alarm system does not omit a signal that is audible or visible outside the premise that it is installed upon; nor
- (3) an alarm installed upon the premises occupied by the city.

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Burglar alarm notification means a notification of possible criminal activity characteristic of unauthorized intrusion reported to the police department.

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False burglar alarm notification means a burglar alarm notification reported to the police department:

- (1) that is based solely on electronic information remotely received by the alarm system monitor;
- (2) that is uncorroborated by eyewitness, video, or photographic evidence that an emergency exists; and
- (3) where the police department has verified that no emergency exists after an inspection of the location from which the notification originated.

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Sec. 8-104. – Fees.

- (a) A permit holder must pay any service fees as assessed under the provisions of this article within thirty (30) days after receiving notification from the city that a fee has been assessed. If the assessed fees become ninety (90) days delinquent, a ten (10) percent late charge will be added.
- (b) False alarm penalty service fees applicable to permit holders shall be assessed by resolution of the city council from time to time and administered in the following manner:
 - (1) *Burglar alarms.* A permit holder, other than a person licensed under Chapter 1702 of the Occupations Code, will be assessed a fee for each false burglar alarm notification in excess of three (3) false alarms which have occurred during the previous twelve-month period in accordance with the following:
 - a. \$50, or as otherwise established by resolution of the city council, if the location has had more than three (3) but few than six (6) other false alarms in the preceding 12-month period;
 - b. \$75, or as otherwise established by resolution of the city council, if the location has had more than five (5) but fewer than eight (8) other false alarms in the preceding 12-month period; or
 - c. \$100, or as otherwise established by the city council, if the location has had eight (8) or more false alarms in the preceding 12-month period.
 - (2) *Fire alarms.* A permit holder will be assessed a fee time for the signaling of a false alarm by a fire alarm system in excess of three (3) false alarms which have occurred during the previous twelve-month period at the alarm site.
 - (3) *Robbery alarms.* A permit holder will be assessed a fee for the signaling of a false alarm by a robbery alarm system.
 - (4) *Emergency medical assistance alarms.* A permit holder will be assessed a fee for the signaling of a false alarm by a medical assistance alarm system in excess of three (3) false alarms which have occurred during the previous twelve-month period at the alarm site.
 - (5) *Emergency assistance/personal distress/panic alarm.* A permit holder will be assessed a fee for the signaling of a false alarm by an emergency assistance/personal distress or panic alarm system in excess of three (3) false alarms which have occurred during the previous twelve-month period at the alarm site.
- (c) A person required to obtain a permit for a burglar alarm system under this Article who has not been issued a permit may be assessed a false alarm service fee in the amount not to exceed \$250 for each false burglar alarm notification reported to the police department from the alarm site.

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Sec. 8-109. – Appeal from penalty fee, denial, or revocation of a permit.

- (a) A person assessed a false alarm penalty fee under Section 8-104 of this Article may appeal the assessment to the city manager, or designee, by submitting a letter to the city secretary within ten (10) business days following the date of the assessment. A hearing on such appeal will then be scheduled within seven (7) business days after the receipt of the appeal, with the hearing to be held within fifteen (15) business days after receipt of the appeal. The city manager, or designee, shall render a decision on

the appeal within three (3) business days after the date of the hearing. The decision of the city manager, or designee, shall be final.

- (b) A person denied a permit or who has had a permit revoked, may appeal that action to the city manager, or designee, by submitting a letter to the city secretary within ten (10) business days of the complained action. A hearing on such appeal shall be conducted in the same manner as provided in Section 8-109(a).

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Sec. 8-113. – Violation; penalty.

- (a) An alarm company, an alarm permit holder or a person in control of an alarm system commits an offense if the person violates any provision of this article that imposes upon the person a duty or responsibility.
- (b) A person who violates a provision of this article is guilty of a separate offense for each day or portion of a day during which the violation committed, continued or permitted, and each offense is punishable by a fine not to exceed five hundred dollars (\$500.00) as follows:
 - (1) for the first conviction, two hundred dollars (\$200.00);
 - (2) for the second through tenth conviction, two hundred fifty dollars (\$250.00); and
 - (3) for each subsequent conviction, five hundred dollars (\$500.00).
- (d) In addition to prohibiting or requiring certain conduct of individuals, it is the intent of this article to hold a corporation, partnership or other association criminally responsible for acts or omissions performed by an agent acting in behalf of the corporation, partnership or other association, and within the scope of employment. A person or business utilizing an alarm system shall maintain at each alarm site a complete set of written operating instructions for each alarm system. Special codes, combinations or passwords must not be included in these instructions.

Secs. 8-114 — 8-120. – Reserved.”

SECTION 2. All ordinances of the City of Allen, Collin County, Texas, in conflict with the provisions of this Ordinance be, and the same are hereby, repealed; provided, however that all other provisions of said ordinances not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 3. An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 4. Should any word, sentence, paragraph, subdivision, clause, phrase or section of this Ordinance, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said Ordinance, or the Code of Ordinances, as amended hereby, which shall remain in full force and effect.

SECTION 5. Any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Allen as previously amended, and upon conviction shall be punished by a fine not to exceed the sum of Five Hundred Dollars (\$500.00) for each offense.

SECTION 6. This Ordinance shall take effective immediately from and after its passage and publication in accordance with its provisions of the Charter of the City of Allen, and it is, accordingly, so ordained.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ON THIS THE 27TH DAY OF SEPTEMBER 2016.

APPROVED:

Stephen Terrell, MAYOR

APPROVED AS TO FORM:

ATTEST:

Peter G. Smith, CITY ATTORNEY
(wlw/7-19-16v3/77725)

Shelley B. George, TRMC, CITY SECRETARY