ORDINANCE NO. 788A

AN ORDINANCE AMENDING MULTIPLE SECTIONS OF CHAPTER 15 OF THE SOUTHLAKE CODE OF ORDINANCES RELATING TO ALARM PERMITTING AND FALSE ALARM FEES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN PAMPHLET FORM; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHERAS, the City of Southlake is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City previously adopted regulations in Article VI of Chapter 15 of the Southlake City Code requiring a permit to operate an alarm system, establishing cause for denial, suspension, revocation of alarm permits, and providing regulations for the operation of alarm permits; and

WHEREAS, City staff recommend revisions to the alarm system regulations to provide clarification and to maintain compliance with State law;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTHLAKE:

SECTION 1.

Section 15.211 "Definitions" of Article VI "Alarm Systems" of Chapter 15 "Public Safety" is hereby amended by amending or adding the following definitions (all definitions not amended or added below remain unchanged):

Sec. 15-211. - Definitions.

. . .

Alarm administrator means a person or persons designated by the Chief to administer, control and review alarm applications, permits, and alarm dispatch requests.

Alarm dispatch request means a notification to Police, Fire or EMS by the Monitoring Company that an alarm, either manual or automatic has been activated at a particular alarm site.

Alarm review board shall consist of four members as follows: a communications specialist or other person appointed by the Chief, and two members of the public at large, appointed by the Chief, and the alarm administrator, who shall serve as an ex officio member. The Chief shall appoint members to the board to conduct a hearing and render a decision pursuant to sections 15-224 and 15-226.

Alarm site means a single premises or location served by an alarm system or systems. Each tenancy, if served by a separate alarm system in a multiple unit building or complex, shall be considered a separate alarm site.

Alarm system means a device or series of devices, including, but not limited to, a system that transmits or relays a signal by Community Antenna Television Cable, directly or indirectly, that is intended to summon emergency police services of the City. "Alarm System" does not include:

(1) An alarm installed on a vehicle unless the vehicle is permanently located at a site; or
(2) An alarm designed to alert only the inhabitants of a premise that does not have a sounding device which can be heard on the exterior of the alarm site.
(3) An Alarm System or CATV Alarm System owned by the City.

Chief means the Chief of Police of the City of Southlake, Texas or his designee.

City means the City of Southlake, Texas.

False alarm user awareness class means a class operated by the City or its designee for the purpose of educating alarm users about the problems created by false alarm dispatches and in the responsible use of their alarm systems.

Monitoring Company means the company, by an individual, partnership, corporation or other entity servicing, installing or monitoring an alarm system at an alarm site.

Verify means an attempt, by a Monitoring Company, or its representative, to contact the Alarm Site and/or Alarm User and/or the Alarm User's designated representatives by telephone or other electronic means, whether or not actual contact with a person is made, to determine whether an alarm signal is valid before dispatching police, fire or EMS, in an attempt to avoid an unnecessary alarm dispatch request.

Zones mean a division of devices into which an alarm system is divided to indicate the general location from which an alarm system signal is transmitted.

SECTION 2.

Section 15.212 "Permit required; application; fee; transferability; false statements" of Article VI "Alarm Systems" of Chapter 15 "Public Safety" is hereby amended to read as follows:

Sec. 15-212. - Permit required; application; fee; transferability; false statements.

(a) A person commits an offense if the person operates, or causes to be operated, an alarm system without a valid alarm permit issued by the alarm administrator. A separate permit is required for each alarm site.

(b) Each permit application must be made on a form provided by the alarm administrator and must include the following information:

(1) The name, address, and telephone numbers of the person who will be the permit holder and be responsible for the proper maintenance and operation of the alarm system and payment of fees assessed under this article;

(2) The classification of the alarm site as either residential, commercial or apartment;

(3) For each alarm system located at the alarm site, the purpose of the alarm system, i.e., burglary, holdup, duress, fire, medical or other;

(c) Upon receipt of a completed application form and the permit fee, the alarm administrator shall issue an alarm permit to an applicant unless the applicant has:

(1) Failed to pay a fine assessed under section 15-223; or

(2) Had an alarm permit for the alarm site suspended or revoked, and the violation causing the suspension or revocation has not been corrected; or

(3) Made a false statement of a material matter for the purpose of obtaining an alarm permit.

(e) An applicant for an annual alarm permit shall pay a permit fee in the amount established by the City Council.

(f) Any false statement of a material matter made by an applicant for the purpose of obtaining an alarm permit shall be sufficient cause for refusal to issue a permit.

(g) An alarm permit cannot be transferred to another person. An alarm user shall inform the alarm administrator of any change that alters any information listed on the permit application within five business days.

(h) All fees owed by an applicant must be paid before a permit may be issued or renewed.

(i) To the extent permitted by law, all employees or representatives of the City with access to information contained in permit applications shall hold such information in confidence.

SECTION 3.

Subsection (a) of Section 15.214 "Alarm systems in apartment complexes furnished by the apartment complex as an amenity." of Article VI "Alarm Systems" of Chapter 15 "Public Safety" is hereby amended to read as follows:

Sec. 15-214. - Alarm systems in apartment complexes furnished by the apartment complex as an amenity.

(a) If the owner or property manager of an apartment complex provides alarm systems in each residential unit as an amenity, then the owner or property manager of the apartment complex shall obtain a master alarm permit from the alarm administrator. The annual fee for this permit and for each renewal for this permit shall be the same as the residential permit fee per residential unit. All units, whether occupied or not, shall be included in calculating the required fee.

. . . .

SECTION 4.

Section 15.215 "Permit duration; renewal" of Article VI "Alarm Systems" of Chapter 15 "Public Safety" is hereby amended to read as follows:

Sec. 15-215. - Permit duration; renewal.

An alarm permit shall be valid one year from issuance. A permit holder must renew an alarm permit annually by submitting an updated application and a permit renewal fee to the alarm administrator. The alarm administrator shall notify each alarm user of the need to renew at least 30 days prior to the expiration of his permit. It is the responsibility of the alarm user to submit an application prior to the permit expiration date. Failure to renew will be classified as use of a non-permitted alarm system.

SECTION 5.

Section 15.217 "Monitoring procedures" of Article VI "Alarm Systems" of Chapter 15 "Public Safety" is hereby amended to read as follows:

Sec. 15-217. - Monitoring procedures.

(a) An alarm business performing monitoring services shall:

(1) Attempt to verify every alarm signal, except a duress or hold up alarm activation, before requesting a police response to an alarm signal;

(2) Communicate alarm dispatch requests to the City in a manner and form determined by the alarm administrator;

(3) Communicate verified cancellations of alarm dispatch requests to the City in a manner and form determined by the alarm administrator;

(4) Ensure that all alarm users of alarm systems equipped with duress alarm are given adequate training as to the proper use of the duress alarm.

(b) The alarm administrator shall:

(1) Designate a manner, form and telephone numbers for the communication of alarm dispatch requests; and

(2) Develop a procedure to accept verified cancellation of alarm dispatch requests.

SECTION 6.

Section 15.220 "Alarm dispatch request records" of Article VI "Alarm Systems" of Chapter 15 "Public Safety" is hereby amended by amending subsection (c) and deleting subsection (d) as follows:

Sec. 15-220. - Alarm dispatch request records.

. . .

(c) Each alarm businesses which perform monitoring services must maintain for a period of at least one year following request for dispatch to an alarm site, records relating to the dispatch. The alarm

business shall make the records available to the alarm administrator. Records must include:

(1) The name, address and phone number of the alarm user,

(2) The alarm system zone(s) or point(s) activated,

(3) The time of request for police dispatch; and

(4) Evidence that an attempt to verify was made to the alarm site prior to the request for police dispatch.

SECTION 7.

Section 15.222 "False alarm user awareness class" of Article VI "Alarm Systems" of Chapter 15 "Public Safety" is hereby amended to read as follows:

Sec. 15-222. - False alarm user awareness class.

The alarm administrator shall oversee the creation and implementation of a false alarm user awareness class. This program shall inform alarm users of the problems created by false alarm dispatches and teach alarm users how to operate their alarm systems without generating false alarm dispatches.

SECTION 8.

Section 15.223 "Fees" of Article VI "Alarm Systems" of Chapter 15 "Public Safety" is hereby amended to read as follows:

Sec. 15-223. - Fees.

(a) An alarm user or, in the case of an apartment complex that furnishes alarm systems as an amenity, the master permit holder, who has failed to obtain a permit as required by this Article shall be subject to a fee of $250 for a the report of a false alarm by an alarm that is not permitted.

(b) An alarm user or, in the case of an apartment complex that furnishes alarm systems as an amenity, the master permit holder, shall be subject to warnings and suspension or revocation of permit, and payment of a fee, depending on the number of false alarm dispatches

emitted from an alarm system within the preceding 12 months based upon the following schedule:

Number of False Alarm Dispatches Within 12 Months	Action
1	Written notice
2	Written notice and warning letter #1
3	Written notice and warning letter #2
4	Written notice and $50.00 Fine or Class
5	Written notice and $50.00 Fine
6	Written notice and $75.00 Fine
7	Written notice and $75.00 Fine
8	Written notice and $100.00 Fine,
9+	Written notice; $100 Fine; Permit suspended.

(c) An alarm user shall, after the third false alarm dispatch, have the option of attending a false alarm user awareness class in lieu of paying a false alarm fee.

(d) An alarm dispatch request caused by actual criminal offense or with evidence of a criminal attempt or with evidence of smoke or the need for EMS shall not be shall not be counted as a false alarm dispatch.

(e) The alarm administrator may reinstate a suspended permit if the person submits evidence that the cause of the false alarm has been determined and corrected or that any defective part of the alarm system has been repaired or replaced.

(f) The alarm user shall pay an escalating false alarm for each false alarm notification in excess of three that is emitted from an alarm site within a 12-month period.

(g) The alarm administrator shall notify the alarm user of the fee:

(1) Personally to the alarm user in writing; or

(2) By letter addressed to the owner of the premises upon which the false alarms occurred, at the owner's address as recorded in the Tarrant Appraisal District records.

(h) If the alarm administrator mails a notice to a person in accordance with subsection (g), and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected and the notice is considered as delivered as of the date of the return.

SECTION 9.

Section 15.224 "Appeal from fees" of Article VI "Alarm Systems" of Chapter 15 "Public Safety" is hereby amended to read as follows:

Sec. 15-224. - Appeal from fees.

(a) Notice of the Right to Appeal under this ordinance will be included with any fees.

(b) An alarm user may appeal assessment of a fee to the alarm review board by filing a written request for hearing with the alarm administrator setting forth the reasons for the appeal. The appeal shall be filed within ten days after receipt or delivery of the notice. The filing of a request for an appeal hearing with the alarm review board stays the assessment of the fee until the alarm review board makes a final decision.

(c) The alarm review board shall conduct a hearing and consider the evidence presented by any interested person(s). The board shall make its decision on the basis of the preponderance of evidence presented at the hearing, including, but not limited to, evidence that a false alarm dispatch was caused by a defective part that has been repaired or replaced or that an alarm dispatch request was caused by a criminal offense.

(d) The board will render a decision within 30 days after the request for an appeal hearing is filed. The board shall affirm, reverse or modify the assessment of the fee. The decision of the board is final as to administrative remedies with the city.

SECTION 10.

Section 15.225 "Revocation or suspension of permit" of Article VI "Alarm Systems" of Chapter 15 "Public Safety" is hereby amended to amend subsection (c) and delete subsection (d) to read as follows:

Sec. 15-225. - Revocation or suspension of permit.

. . .

(c) The City may not terminate its law enforcement response to a residential permit holder because of excess false alarms if the false alarm fees are paid in full.

SECTION 11.

Section 15.226 "Appeal from denial, suspension or revocation of a permit" of Article VI "Alarm Systems" of Chapter 15 "Public Safety" is hereby amended to read as follows:

Sec. 15-226. - Appeal from denial, suspension or revocation of a permit.

(a) If the alarm administrator denies the issuance or renewal of a permit, or suspends or revokes a permit, he or she shall send written notice of this action, and a statement of the right to an appeal, by certified mail, return receipt requested, to both the applicant or alarm user and the alarm business.

(b) The alarm administrator shall give notice to the alarm user of the suspension or revocation:

(1) Personally to the alarm user in writing; or
(2) By letter addressed to the alarm user at the address listed on the application.

(c) If the alarm administrator mails a notice to a person in accordance with subsection (d), and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected and the notice is considered as delivered as the date of the return.

(d) The applicant or alarm user may appeal the decision of the alarm administrator to the Chief by filing a written request for a review setting forth the reasons for the appeal within ten days after receipt of the notice from the alarm administrator. An alarm business may submit the request for review on behalf of an alarm user. If a request for appeal is not made within the ten-day period, the action of the alarm administrator is final.

(e) Filing of a request for appeal shall stay the action by the alarm administrator suspending or revoking a permit until the Chief has completed his/her review of the appeal.

(f) If the Chief sustains the denial or revocation of the permit, an alarm user may appeal and request a hearing before the alarm review board within ten days of receipt of notice of the Chief's decision. An alarm business may submit a request for hearing on behalf of an alarm user.

(g) The alarm review board shall conduct a hearing and consider the evidence by any interested person(s). The board shall make its decision on the basis of a preponderance of the evidence presented at the hearing, including, but not limited to, certification that the alarm user has been retrained, that a defective part has been repaired or replaced, or that the cause of the false alarm has been otherwise determined and corrected. The board must render a written decision within ten days after the request for an appeal hearing is filed. The board shall affirm, reverse, or modify the action of the Chief. The decision of the board is final as to administrative remedies with the City.

SECTION 12.

This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Southlake, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provision of such ordinances and such Code are hereby repealed.

SECTION 13.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and section of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 14.

Any person, firm or corporation, who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcements of any of the provisions of this ordinance shall be fined not more than Five Hundred Dollars ($500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 15.

All rights and remedies of the City of Southlake are expressly saved as to any and all violation of the provisions of the Code of Ordinances of the City of Southlake, as amended, relating to false alarms and alarm systems or any other ordinances affecting alarm systems which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 16.

The City Secretary of the City of Southlake is hereby authorized to publish this ordinance in book or pamphlet form for general distribution among the public, and the operative provisions of this ordinance as so published shall be admissible in evidence in all courts without further proof than the production thereof.

SECTION 17.

The City Secretary of the City of Southlake is hereby directed to publish the proposed ordinance or its caption and penalty together with a notice setting out the time and place for a public hearing thereon at least ten (10) days before the second reading of this ordinance, and if this ordinance provides for the imposition of any penalty, fine or forfeiture for any violation of any of its provisions, the City Secretary

shall additionally publish this ordinance or its caption and penalty in the official City newspaper one time within ten days after final passage of this ordinance, as required by Section 3.13 of the Charter of the City of Southlake.

PASSED AND APPROVED ON FIRST READING ON THIS 3RD DAY OF SEPTEMBER, 2019.

MAYOR

ATTEST:

Deputy CITY SECRETARY

CITY OF SOUTHLAKE, TEXAS

PASSED AND APPROVED ON SECOND READING ON THIS 17th DAY OF September, 2019.

MAYOR

ATTEST:

Deputy CITY SECRETARY

CITY OF SOUTHLAKE, TEXAS

EFFECTIVE: 9/17/19

APPROVED AS TO FORM AND LEGALITY:

CITY ATTORNEY