ORDINANCE NO. 3055

AN ORDINANCE OF THE CITY OF TERRELL, KAUFMAN COUNTY, TEXAS, REPEALING CHAPTER 4, BUILDING REGULATIONS, SECTION 20, ALARM SYSTEMS AND REPLACING THE SAME WITH A REVISED SECTION 20 AS SPECIFIED HEREIN; PROVIDING A PENALTY, PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION I.

Chapter 4, Building Regulations, Section 20, Alarm Systems is hereby repealed in its entirety and replaced with a revised Section 20, Alarm Systems as follows:

Sec. 4-20 Alarm Systems

A. Definitions

The following words, terms and phrases when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

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

2. *Alarm system* means a device or system which transmits a signal intended to monitor the premises of a structure and can produce a signal intended to summon police and/or fire services of the city. The categories of alarm systems are "Tier 1" and "Tier 2". Alarm system does not mean an alarm installed on a vehicle or an alarm designated to alert only the inhabitants within the premises but does include an alarm that emits an audible signal on the exterior of a structure.

3. *Alarm system user* means the property owner, the owner's agent, other person, or business entity legally responsible for the operation of a validly permitted alarm system.

4. *Alarm systems company* means a person who acts as an alarm systems company under the provisions of V.T.C.A., Occupations Code § 1702.105.

5. *Burglar alarm notification* means a notification of an unauthorized intrusion or attempted unauthorized intrusion.

6. *False burglar alarm notification* means a burglar alarm notification to the police when the responding police officer reasonably finds there is no evidence of unauthorized intrusion or attempted unauthorized intrusion.

7. *False fire alarm notification* means a fire alarm notification to the fire department, when responding fire department personnel reasonably find that there is no evidence of a fire having occurred.

8. *Fire alarm notification* means a notification which is initiated or triggered by an alarm system designed to react to any of the visual or physical characteristics of a fire.

9. *Fire chief* means the City of Terrell fire chief or designee.

10. *Monitoring System* means a device or system that transmits a burglar alarm signal intended to notify only the responsible person of the system or the inhabitants of the structure without the intent of summoning an emergency service of the city.

11. *Permitted site* means a location that has an active permit and for which the permit owner information on file is current.

12. *Police chief* means the City of Terrell chief of police or designee.

13. Responsible party means an alarm system user who is required to comply with the terms of this section.

14. *Tier 1 system* means a system with an on-site recording system (110x110px, 1080p or better) capable of producing quality video and still-shots with camera placements covering all entrances and exits for release to authorities for crime detection, evidence and collection, and/or has a trained employee to make that available to law enforcement promptly.

15. *Tier 2 system* means a system with no recording capable of quality video and still-shots for release to authorities for crime detection, evidence and collection and/or does not have a trained employee to make that available to law enforcement promptly.

B. Permit

1. *Required.* A person commits an offense if he operates, cause, or allows to be operated an alarm system without a valid permit. A separate permit is required for each alarm system.

2. *Contents of application.* Each permit application must contain the name, address, and telephone number of the person who is responsible for the proper maintenance and operation of the alarm system together with the payment of fees or charges levied under this section. For an alarm permit for a commercial premise, the permit application shall contain the names and phone numbers (home and business) of two (2) people that when notified by the police or fire department will come to the alarm site within thirty (30) minutes, if requested, to terminate the alarm signal and secure the property. Application for a permit under the provisions of this section constitutes a grant of

approval to the city to deactivate an alarm system that sounds an alarm signal for longer than thirty (30) minutes after being notified.

3. *False statement.* Any false statement or misrepresentation of a material fact made by an applicant for the purpose of obtaining an alarm permit or renewal, or for the purpose of making a change thereto, shall be sufficient cause for refusal to grant a permit.

4. *Permit Fees.*

   (a) A nonrefundable fee of fifty dollars ($50.00) is required annually for each Tier 1 residential alarm system.

   (b) A nonrefundable fee of one hundred dollars ($100.00) is required annually for each Tier 2 residential alarm system.

   (c) A nonrefundable fee of fifty dollars ($50.00) is required annually for each Tier 1 commercial permit and a nonrefundable fee of two hundred dollars ($200.00) is required annually for each Tier 2 commercial permit.

   (d) It is the responsibility of the alarm system user to pay the permit fee no later than the expiration date stated on the notification. If payment is not received prior to the expiration date, the permit will be deactivated after a ten (10) business day grace period.

5. *Issuance.* Upon receipt of the required fee and completed application form, the Chief of Police or designee shall issue a permit unless there is reasonable cause to believe that the equipment responsible for initiating an alarm will not be maintained or operated in accordance with this section or that the applicant will not comply with each provision of this section.

6. *Transferability: Change of individual designated to respond.* 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 must inform the police department of any change that alters the information listed on the permit application. No fee will be assessed for such changes.

7. *Penalty for operation without a permit.* A two-hundred-dollar ($200.00) penalty will be imposed for a person or business entity operating, causing or allowing to be operated any alarm system as defined in this section without having a valid permit in accordance with the provisions of this section.

8. *Enforcement.* The Chief of Police or designee shall have the authority to enforce the provisions of this section.

C. Inspection of alarm site and system.

Upon reasonable notification, the police chief or designee or fire chief or designee may inspect an alarm site and alarm system of a permit holder during regular business hours.

D. Responsibilities of alarm system users.

Generally. An alarm system user:

Is responsible for the adjustment or modification of the sensory mechanism for the alarm system to suppress false indications so that the alarm system will not be activated by impulses due to

(a) Transient pressure changes in water pipes;
(b) Flashes of light;
(c) Wind noise caused by the rattling or vibrating of doors or windows;
(d) Vehicular noise adjacent to the installation; and
(e) Other events unrelated to actual emergencies.

Specifically. An alarm system user:

Must maintain the premises containing an alarm system in a manner that ensures proper operation of the alarm system. It is the responsibility of the alarm permit holder to properly maintain the alarm system to prevent false activations. Should a permit holder have more than two (2) activations within thirty (30) calendar days, an inspection of the alarm system will be required by a licensed company. Notice must be made in writing to the police chief or designee from the licensed monitoring company of findings of the inspection within thirty (30) calendar days.

E. Duties of an alarm system company

A person or company who is engaged in the business of relaying alarm notifications to the city shall:

1. Attempt to contact the responsible party of the alarm system twice before contacting the city to respond to the alarm signal; and

2. Follow § 26.2.3.1 of NFPA 72, National Fire Alarm and Signaling Code, 2013 edition for alarm signal verification.

F. False alarms.

1. *Determination*

The police chief or designee shall not consider the alarm notification to be false if:

The emergency responders respond within thirty (30) minutes and after inspection of the interior or exterior of the premises, the alarm is determined to be caused by:

(a) A natural or man-made catastrophe;
(b) Severe weather that causes physical damage to the premises;
(c) A criminal offense;
(d) Telephone line outage; or
(e) Attempted entry of an intruder or attempted robbery.

2. *Fees for false alarms.* An alarm system user shall pay any service fees as assessed under the provisions of this section within thirty (30) calendar days of receiving the city's determination notice of the false alarm or be assessed a ten percent (10%) late fee.
    a. Burglar alarms. An alarm system user will be assessed a fee for the signaling of a false alarm in excess of three (3) false alarms in the preceding 12-month period. Fees assessed will be:

        (1) One hundred dollars ($100.00) if the location has had more than three (3) but fewer than six (6) other false alarms in the preceding 12-month period.

        (2) One hundred fifty dollars ($150.00) if the location has had more than five (5) but fewer than eight (8) other false alarms in the preceding 12 month period.

        (3) Two hundred dollars ($200.00) if the location has had eight (8) or more other false alarms in the preceding 12-month period.

        (4) Fire alarms. An alarm system user will be assessed a fee for the signaling of a false alarm by a fire alarm system in excess of two (2) alarms in the preceding 12-month period. This fee will be two hundred dollars ($200.00) for each false alarm.

3. *Response Required.*

    a. An alarm system user shall respond to the alarm site within thirty (30) minutes after receiving a request from a member of the police department or the fire department to grant access to the site and deactivate the alarm if necessary.

    b. Police and fire personnel may silence or disarm an alarm system by any means necessary if a key holder fails to respond within thirty (30) minutes.

4. *Appeals.* Upon notice of a false alarm and the assessed fee invoice, if applicable, a responsible party may appeal the city's decision to consider the alarm notification to be false pursuant to this section, by filing a written appeal to the Chief of Police within five (5) business days of receipt of the city's written notification. An appeal filed

pursuant to this section must specifically state the basis of the responsible party's challenge to the city's determination of the false alarm as defined in this section. The Chief of Police will make a determination in writing within five (5) business days of receipt of the appeal. The determination of the Chief of Police may be appealed to the City Manager if an appeal is made in writing to the City Manager within five (5) business days of receipt of the findings of the Chief of Police. The decision of the City Manager is final

ARTICLE II.

All ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

ARTICLE III.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgement 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 without such unconstitutional phrase, clause, sentence, paragraph or section.

ARTICLE IV.

This Ordinance shall take effect immediately from and after its passage and the publication of the caption as the law in such cases provides.

PASSED AND APPROVED on this the 16th day of July, 2024.

PASSED AND ADOPTED on second reading this the 30th day of July, 2024.

E. Rick Carmona, Mayor

Attest:

Dawn Steil, City Secretary

Approved as to Form:

Mary Gayle Ramsey, City Attorney