

ORDINANCE NO. 569-3

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AMENDING ARTICLE II, *ALARM SYSTEMS*, OF CHAPTER 20, *OFFENSES AND MISCELLANEOUS PROVISIONS*, OF THE CITY OF PEARLAND CODE OF ORDINANCES, FOR THE PURPOSE OF PROVIDING FOR THE RECOVERY OF COSTS INCURRED BY THE CITY IN RESPONDING TO EXCESSIVE FALSE FIRE ALARMS; PROVIDING A PENALTY FOR VIOLATION; HAVING A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND A REPEALER CLAUSE; PROVIDING FOR PUBLICATION, CODIFICATION, - AND AN EFFECTIVE DATE.

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

Section 1. That Article II, *Alarm Systems*, of Chapter 19, *Offenses and Miscellaneous Provisions*, of the City of Pearland Code of Ordinances, is hereby amended to read as follows:

“ARTICLE II

ALARM SYSTEMS

Sec. 20-20. Definitions.

As used in this article, the terms herein are defined as follows:

Alarm, burglar: Any device or series of devices intended to prevent or detect an unauthorized entry or attempted unauthorized entry into the alarm site.

Alarm, dial: Any alarm or device which automatically selects a telephone line connected to police headquarters and reproduces a prerecorded message to report a crime intrusion or other emergency requiring police response.

Alarm, false: The activation of an alarm system or a fire alarm through mechanical failure, malfunction, improper installation, inclement weather or the negligence of the subscriber, owner or lessee of said system or his employees, agents or representatives. Specifically excepted are acts of God, such as false alarms caused by hurricanes, tornadoes, earthquakes and the like. If cancellation of an alarm occurs prior to a police officer or firefighter arriving at the scene, no false alarm will be assessed.

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Alarm, fire: Any device or combination of devices intended to detect the presence of combustion, smoke, fire, or flame in any occupancy.

Alarm, holdup: Any type alarm system or device designated to be activated by the alarm user or subscriber in the event of a holdup or robbery.

Alarm, home: Any alarm device or system which is connected to a residence.

Alarm, panic: Any type alarm system or device that is manually activated by an Alarm User that designates they are being forced to turn off the system or are under duress.

Alarm site: The specific property or area of the premises upon or within which an alarm system is or is to be installed. Each unit, if served by a separate alarm in a multi-unit building or complex, shall be considered a separate Alarm Site.

Alarm system: Any device used to detect or prevent burglary, theft, shoplifting, pilferage or other such emergency situations which, when activated, causes notification to be made directly or indirectly to the police department; or any device or system designed primarily for the purpose of giving an audible or visual signal of an attempted burglary, theft, shoplifting, pilferage or other such emergency. For the purposes of this article, an alarm system shall *not* include:

- (1) An alarm installed on a motor vehicle;
- (2) An alarm designed so that no notification is given to the police until after the occupants, or an agent of the owner or lessee, have checked the alarm site and determined that there was physical evidence at the site showing that the alarm was the result of criminal activity of the kind the alarm system was designed to give notice.
- (3) An alarm installed upon the premises occupied by the United States government or the state, the county or municipal governments. For the purposes of this section, "state, county or municipal governments" does not include any other subdivisions, such as water districts, school districts or municipal utility districts.

Alarm system business: Any person employed by an alarm business whose duties include altering, installing, maintaining, moving, repairing, replacing, selling, servicing, responding to or monitoring an alarm system. It shall also mean any person employed or otherwise associated with an alarm business who has access to confidential information relating to a customer or subscriber of such alarm business which could be used to compromise or defeat an alarm system.

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Alarm user: Any person on whose premises an alarm system is maintained.

Chief of police: The chief of the Pearland Police Department or his designated representative.

City: The City of Pearland, Texas.

Fire Chief: The Fire Chief for the City of Pearland or his designated representative.

Person: Any individual, corporation, business, school district or other organization.

Subscriber: A person or business which buys or otherwise obtains an alarm system and has a contract with an alarm business to monitor and/or service the alarm system.

Sec. 20-21. Registration permits.

(a) No person shall operate, cause to be operated or permit the operation of an alarm system or fire alarm unless a current registration permit has been issued by the city for such system. This subsection shall not be applicable to an alarm system business; but the person in control of the property which the alarm system is designed to protect shall be subject to prosecution if he permits the operation of such system without a valid registration permit.

(b) The person in control of the property may obtain a separate registration permit for each alarm system or may obtain a single registration permit for all alarm systems on the premises (single address) that it is under the control of the applicant for a registration permit.

(c) Each registration permit issued in accordance with this article shall be valid for a period of 12 months from the date of issuance, unless it is revoked in accordance with this chapter, or unless the control of the property is transferred from the permit holder.

(d) The registration holder for an alarm system or fire alarm shall keep such permit at the alarm site and shall produce such permit for inspection upon the request of any member of the police department and/or fire department.

(e) Nonprofit corporations or organizations are hereby exempt from any registration fees but not from obtaining registration permits.

Sec. 20-22. Registration application; issuance of registration permit.

(a) Application for a registration permit for the operation of an alarm system or fire alarm shall be made by a person having control over the property on which

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the alarm system is to be installed and operated. Such applications shall be made in writing to the city permits office on a form designated by the city for that purpose.

(b) The person in control of the property on which an alarm system is installed shall:

(1) Ensure that any person listed on the application for registration permit:

a. Receive notification of an alarm being activated on the premises;

b. Come to the alarm site within thirty (30) minutes after receiving a request from a member of the police department and/or fire department to do so;

c. Grant access to the alarm site; and

d. Deactivate the alarm system or fire alarm if it becomes necessary.

(2) Train all persons who are authorized to activate the alarm system or fire alarm in the proper operation of such alarm.

(c) The person in control of the property on which an alarm system or fire alarm is installed shall ensure that all information supplied on the original registration permit is current. The City must be notified in writing within seventy-two (72) hours of any changes or modifications; such as new employees or persons to notify in case of alarm activation.

Sec. 20-23. Power supply.

Any alarm system which necessitates response by a law enforcement agency or is a public alarm shall be provided with standby power to automatically maintain the system in a normal condition for a period of four (4) hours in the event of the interruption of the primary power source. This does not apply where the central monitoring equipment produces a distinctive signal indicating power failure at the protected premises and a police response is not required.

Sec. 20-24. Dial alarm receiving equipment.

After the enactment of this article, no automatic protection devices, known as dial alarms or dialers, will be installed and keyed to any police emergency trunk line.

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Sec. 20-25. Testing of equipment.

No person shall conduct any test or demonstration of an alarm without first notifying the City by contacting the telephone number on the alarm permit application.

Sec. 20-26. Penalties.

(a) Violation of any subsection of this article shall be punishable by a fine not to exceed the fine established in section 1-11 of the City Code of Ordinances.

(b) Operation of an alarm system or fire alarm without a permit is an offense. Each day an alarm is operated without a permit shall constitute a separate offense.

(c) The knowing failure of an alarm user to repair an alarm where required herein is an offense hereunder. Each day during which such failure continues shall constitute a separate offense.

(d) The intentional installation or maintenance of an alarm not in accordance with the requirements of this article is an offense hereunder.

(e) It is an offense to knowingly or recklessly fail to attend upon the scene of an alarm activation within the time period set forth herein after actual notice has been given to the person designated to enter and control any premises.

Sec. 20-27. Fees and Fines.

A fine will be assessed to the Alarm User of an alarm system or fire alarm for each response by the city to each false alarm in accordance with the tables below. The calculation of False Alarms is done by using the preceding 12-month period from when the False Alarm occurred, this is also known as the Reckoning Period. **In the event the City responds to two (2) or fewer False Alarms during a Reckoning Period, the Alarm User shall be exempt from the Combination Burglar, Hold-Up/Panic and Fire Alarm Permit Fee for the following Reckoning Period.**

Residential Fees and Fines	
Combination Burglar, Hold-Up/Panic, Permit Cost, Fire Alarm Permit	\$15.00
Permit Duration	12mo Term
Reckoning Period	Preceding 12mos
Fine for 4th & 5th False Alarm (Burglar)	\$50.00/ea

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Fine for 6th & 7th False Alarm (Burglar)	\$75.00/ea
Fine for 8th & more False Alarm (Burglar)	\$100.00/ea
Fine for 3rd False Alarm (Hold-Up/Panic)	\$50.00/ea
Fine for 4th False Alarm (Hold-Up/Panic)	\$75.00/ea
Fine for 5th & more False Alarm (Hold-Up/Panic)	\$100.00/ea
Fine for 4th False Alarm (Fire)	\$50.00/ea
Fine for 5th False Alarm (Fire)	\$75.00/ea
Fine for 6th & more False Alarm (Fire)	\$100.00/ea

Commercial Fees and Fines	
Burglar Alarm Permit Cost	\$30.00
Combination Burg & Hold-Up/Panic Permit Cost	\$40.00
Fire Alarm Permit Cost	\$20.00
Permit Duration	12mo Term
Reckoning Period	Preceding 12mos
Fine for 4th & 5th False Alarm (Burglar)	\$50.00/ea
Fine for 6th & 7th False Alarm (Burglar)	\$75.00/ea
Fine for 8th & more False Alarm (Burglar)	\$100.00/ea
Fine for 3rd False Alarm (Hold-Up/Panic)	\$100.00/ea
Fine for 4th False Alarm (Hold-Up/Panic)	\$200.00/ea
Fine for 5th & more False Alarm (Hold-Up/Panic)	\$300.00/ea
Fine for 4th False Alarm (Fire)	\$100.00/ea
Fine for 5th False Alarm (Fire)	\$200.00/ea
Fine for 6th & more False Alarm (Fire)	\$300.00/ea

The person designated by the City Manager to collect fees and or fines for false alarms will furnish to the city attorney a list of those Alarm Users who have failed to pay their assessed fines or fees for false alarms. The city attorney will take appropriate action for collection.

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Sec. 20-28. Exemption for charge for cost of response.

Any exemption from the above-delineated charges for responses to false alarms may be granted by the chief of police or fire chief if such extenuating circumstances are present that would merit such exemption.

Sec. 20-29 Revocation of Registration Permit

Annual Registration Permits issued in accordance with this Article may be revoked for any violation of this Article and for the failure to pay a Fee or Fine rendered in accordance with this Chapter or for failure to pay a Fine or Fee rendered in the Pearland Municipal Court of Record for a violation of this Article.

Registration Permits for Fire Alarms issued in accordance with this Article may be revoked by the Fire Chief and Registration Permits for all other alarms issued in accordance with this Article may be revoked by the Chief of Police.

Not less than ten (10) business days before such revocation, the person who applied for the alarm registration permit that is being revoked shall be given written notice and have an opportunity to be heard before the person who is revoking such permit, or that person's designee. If the person whose alarm registration permit is being revoked desires a hearing on whether such revocation is warranted, they must deliver in writing within ten (10) business days after notice of the revocation has been delivered a request for hearing stating the reasons for appealing the revocation of the alarm registration permit. Upon receipt of the written notice of appeal, the person responsible for hearing the appeal shall schedule a hearing within fifteen (15) business days wherein he or she shall make a decision on the basis of the preponderance of evidence presented at the hearing and determine whether the alarm registration permit shall be revoked.

Sec. 20-30 Available Remedies

The rights and remedies granted to the City in accordance with this Article are not exclusive and the City may use all other rights and remedies available by law to enforce this law and collect the Fees and Fines assessed in accordance with this Article."

Sec. 20-31. Effective date.

The requirement to register all alarm systems installed within the city and other provisions of this article shall become effective beginning **May 1st, 2010.**

Secs. 20-32--20-41. Reserved."

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Section 2. **Savings.** All rights and remedies which have accrued in favor of the City under this Ordinance and amendments thereto shall be and are preserved for the benefit of the City.

Section 3. **Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. **Repealer.** All ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

Section 5. **Codification.** It is the intent of the City Council of the City of Pearland, Texas, that the provisions of this Ordinance shall be codified in the City's official Code of Ordinances as provided hereinabove.

Section 6. **Publication and Effective Date.** The City Secretary shall cause this Ordinance, or its caption, to be published in the official newspaper of the City of Pearland, upon passage of such Ordinance. The Ordinance shall then become effective on **May 1st, 2010**, after its publication, or the publication of its caption, in the official City newspaper.

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PASSED and APPROVED ON FIRST READING this the 22nd day of February, A. D., 2010.



TOM REID
MAYOR

ATTEST:



YOUNG LORFING, TRMC
CITY SECRETARY




PASSED and APPROVED ON SECOND AND FINAL READING this the 8th day of March, A. D., 2010.



TOM REID
MAYOR

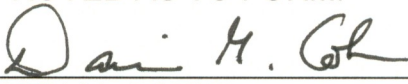
ATTEST:



YOUNG LORFING, TRMC
CITY SECRETARY



APPROVED AS TO FORM:



DARRIN M. COKER
CITY ATTORNEY

**VOTING RECORD SECOND AND FINAL READING
MARCH 8, 2010**

Voting "Aye" - Councilmembers Owens, Sherman, Kyle,
Saboe, and Cole.

Voting "No" - None.

Motion passed 5 to 0.

PUBLICATION DATE: March 10, 2010

EFFECTIVE DATE: May 1, 2010

PUBLISHED AS REQUIRED BY SECTION 3.10 OF
THE CHARTER OF THE CITY OF PEARLAND, TEXAS