

ORDINANCE NUMBER
2024-01

AN ORDINANCE OF THE CITY OF GATESVILLE, TEXAS REPEALING ARTICLE III, ALARM SYSTEMS, SECTIONS 14-47 THROUGH 14-51, AND ADDING SECTIONS 14-52 THROUGH 14-55, OF THE CODE OF ORDINANCES OF THE CITY OF GATESVILLE; AND PROVIDING AN EFFECTIVE DATE

BE IT ORDAINED BY the City Council of the City of Gatesville, Texas as follows:

Article III. Alarm Systems. Sections 14-47 through 14-51 of the City of Gatesville, Texas Code of Ordinances are repealed.


Article III. Alarm Systems. Sections 14-47 through 14-51, revised, and 14-52 through 14-55, new, are attached as Exhibit A and are hereby adopted and shall be placed into Article III of the Code of Ordinances of the City of Gatesville.

The foregoing Ordinance No. 2024-01 was read the first time January 9, 2024, and passed to the second reading on the 23rd day of January, 2024.

The foregoing Ordinance No. 2024-01 was read the second time on January 23, 2024, and passed to the third reading on the 12th day of March, 2024.

The foregoing Ordinance No. 2024-01 was read the third time and was passed and adopted as an Ordinance of the City of Gatesville, Texas this 12th day of March, 2024 and will take effect April 1, 2024.

THE CITY OF GATESVILLE, TEXAS



Gary M. Chumley, Mayor

ATTESTED:



Wendy Cole, City Secretary

APPROVED AS TO FORM AND SUBSTANCE



Victoria Thomas, City Attorney



Exhibit A

ARTICLE III. - ALARM SYSTEMS

Sec. 14-47. - Definitions.

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

Alarm business means any individual, company, partnership, corporation or other entity, which alters, installs, maintains, moves, repairs, replaces, sells, leases, services, or monitors any alarm system that responds to a stimulus characteristic of unauthorized intrusion, fire or medical emergency.

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 an assembly of equipment (or a single device, such as a solid-state unit which plugs directly into a 110-volt AC line) arranged to signal the presence of a hazard requiring urgent attention and to which the department is expected to respond. Systems commonly referred to as burglar alarm systems, panic/alert systems, and fire alarms are included. The term "alarms 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 premises, which does not have a local alarm.

Alarm user means the owner, agent or person in control of the premises where an alarm system is maintained within the city.

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

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

Calendar year shall be measured from January 1 to December 31.

Department means the city police department or any authorized agent thereof.

Fire alarm system means an alarm system signaling the presence or suspected presence of a fire in the area protected by the system.

False alarm means the activation of an alarm system, which is not the result of emergency or threat of emergency for which the alarm system was designed to give notice and for which the responding police officer finds no evidence of any criminal activity or other emergency. The term "false alarm" shall include activation of an alarm system through mechanical or electrical failure, malfunction, improper installation or the negligence of the owner or lessee of an alarm system or of their employees or agents. The term "false alarm" shall not include activation which results from any of the following:

- (1) Alarms caused by an attempted illegal entry of which there is visible evidence, illegal entry or other demonstrable criminal activity.

(2) Alarms occurring on a repeated basis without apparent cause but where continuous decided effort, in the sole opinion of the department, is being made jointly by the alarm user and the alarm business used by the alarm user for installation or servicing, and any other concerned person to correct the malfunction expeditiously.

(3) Alarms intentionally caused by a person acting under a reasonable belief that a need exists to call the department.

(4) Alarms followed by an immediate call to the department canceling the alarm by giving the proper code number prior to the arrival at the alarm site by the department.

(5) Alarms resulting from the servicing of an alarm system by an alarm business when, prior to such repair or service, the alarm user or their agent has, in person, notified the department that the alarm system will be repaired or serviced at the particular date and time coinciding with the alarm.

(6) Alarms that are activated during periods of severe weather, such as thunderstorms and high winds, or periods of widespread power failure.

(Code 2013, § 14-17(a); Ord. No. 2010-04, § 1, 3-23-2010)

Sec. 14-48. - Permit and fee required.

(a) A permit shall be required for any business or residential entity to use, operate or cause to be used or operated, any alarm system within the city.

(b) A separate permit application is required for each business or residential alarm site.

(c) Any business or residential entity wishing to use, operate, or cause to be used, or operated, an alarm system that was installed before the effective date of the ordinance from which this article is derived must apply for a permit within 60 days after the effective date of the ordinance from which this article is derived.

(d) An annual, non-refundable fee must be paid upon filing of an application for a new or renewal permit. The permit is valid for a period of 12 months from the date of issuance and may be renewed by submitting an updated application and renewal fee to the police department. It is the responsibility of the permit holder to submit an application prior to the permit expiration date. The fees for a business/commercial alarm system and for a residential alarm system are as provided in chapter 18.

(e) Upon receipt of the required fee and properly completed application form, the department shall issue a permit unless there is cause to believe the alarm system will not be maintained and operated in accordance with this article, or that the applicant will not comply with each provision of the article. If issued, the permit will be affixed in a location at the alarm site as prescribed by the department.

(f) Each permit application shall be upon a form promulgated by the department and verified by the applicant and must specify:

(1) The name, address, and telephone number of the applicant, who will be the alarm user or the authorized representative thereof, and who shall be responsible for the proper operation and maintenance of the alarm system;

- (2) For each alarm system located at the alarm site, the classification of the alarm system (i.e., burglary, robbery, fire) and whether the notification is audible or silent;
- (3) Any dangerous or special conditions present at the alarm site; and
- (4) If applicable, the type of business conducted at the alarm site.

(g) An alarm permit is non-transferable, and any attempted or purported transfer shall immediately void the permit. At least three days prior to the effective date of any change, the alarm user shall inform the department in writing of any changes that alter information listed on the permit application. No fee will be assessed for such changes.

(h) Any materially false or misleading statement made by an applicant on the application for the original issuance or subsequent renewal of a permit shall be sufficient cause for refusal to grant or suspension of a permit.

(Code 2013, § 14-17(b); Ord. No. 2010-04, § 2, 3-23-2010)

Sec. 14-49. - Service fee schedule for false alarms.

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

(b) No service fee will be charged within any 12-month period for the first five-false alarm notifications.

(c) A person who is required to obtain a permit shall pay a service fee for each false alarm notification within any 12-month period as described in the following service fee schedule:

(1) First five false alarm notifications are free. All subsequent false alarm notifications during this period will be assessed a service fee as provided in chapter 18.

(2) For the purposes of determining the service 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 Department shall notify the permit holder in writing after each false alarm.

(e) The Department shall not consider a false alarm to have occurred unless the police department responds within thirty minutes of the alarm notification and the department determines from an inspection of the interior or exterior of the premises that the alarm was false.

(Code 2013, § 14-17(c); Ord. No. 2010-04, § 3, 3-23-2010)

Sec. 14-50. - Information recorded.

The department shall record calls made in response to alarms, including, but not limited to, the following information, if available:

- (1) Identification of the permit holder.
- (2) Identification of the alarm site.
- (3) Arrival time and time call cleared.

- (4) Time of day and date.
- (5) Physical damage to the structure likely to have caused the alarm.
- (6) Name of the permit holder's representative on premises, if any.

(Code 2013, § 14-17(d); Ord. No. 2010-04, § 4, 3-23-2010)

Sec. 14-51. - Violations.

- (a) A person commits an offense if the person violates by commission or omission any provision of this article that imposes upon them a duty of responsibility.
- (b) A person who is required to have a permit under this article commits an offense if the person knowingly operates, or causes or permits to be operated, an alarm system without a current alarm permit issued by the department.
- (c) A person who is required to have a permit under this article commits an offense if the person knowingly operates, or causes or permits to be operated, an alarm system during the period in which the alarm permit is revoked or suspended.
- (d) All false alarm invoices shall be due within 30 days from the invoice date.

(Code 2013, § 14-17(e); Ord. No. 2010-04, § 5, 3-23-2010)

Sec. 14-52. Revocation and Reinstatement of Permit.

The Chief shall revoke an alarm permit if he determines that:

- (A) There is a false statement in the application for a permit;
- (B) The permit holder has violated the provisions of this ordinance;
- (C) The permit holder has failed to make timely payment of a false alarm (service) fee assessed under this ordinance.

Sec. 14-53. Reinstatement of Permit.

A person whose alarm permit has been revoked may have the permit reinstated if the person:

- (A) Submits an updated application and pays a permit reinstatement fee in accordance with this ordinance;
- (B) Pays all outstanding false alarm (service) fees assessed under this ordinance for which a bill has been issued;
- (C) A reinstated permit expires the same date on which the original permit would have expired had it not been revoked.

Sec. 14-54. Violations; Penalties; Corporations, Partnerships and Other Legal Entities.

- (1) A person commits an offense if he operates or causes to be operated an alarm system within the city limits of Gatesville without a valid permit issued under this article.

- (2) A person commits an offense if he operates an alarm system during the period in which the alarm system is revoked.
- (3) An alarm company, an alarm permit holder, or a person in control of an alarm system, commits an offense if he violates any provision of this ordinance by either commission of an act that is forbidden, or omission of a duty or responsibility imposed upon him by this ordinance.
- (4) A person who violates a provision of this ordinance is guilty of a separate offense for each day or portion of a day during which the violation is committed, continued, permitted. Each offense is a Class C misdemeanor which is punishable by a fine of not more than \$200 for each conviction.
- (5) In addition to prohibiting or requiring certain conduct of individuals, it is the intent of this ordinance to hold a corporation, partnership, or other association criminally responsible for acts or omissions performed by an agent acting on behalf of the corporation, partnership, or other association, and within the scope of employment.

Sec. 14-55. Government Immunity and Disclaimer.

- (1) Registration of an alarm system is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response. All liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained.
- (2) By registering an alarm system, the permit holder acknowledges that police response may be based on factors such as: availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions staffing levels.