

Ordinances Governing  
**ALARM SYSTEMS**  
in the  
CITY OF ARLINGTON  
TEXAS

Amended by Ordinance No. 14-029  
(May 27, 2014)

(Chapter Designator: ALARM SYSTEMS)

## ORDINANCE HISTORY

<u>Number</u>	<u>Date of Adoption</u>	<u>Comments</u>
89-68	06/13/89	Revision of entire chapter.
90-29	03/13/90	Amend <b>Article IV, Section 4.02, <u>Alarm Classification</u></b> , relative to false alarms caused by telephone wire malfunctions, tornados, hurricanes or earthquakes.
91-86	09/03/91	Amend <b>Article I, <u>Definitions</u></b> , to clarify the meaning of false alarm notification; Amend <b>Section 2.03, <u>Permit Issue/Denial</u></b> , by the addition of <b>Subsection E</b> , relative to further considerations for issuing or denying alarm permits; Amend <b>Section 2.06, <u>Permit Duration and Renewal</u></b> , relative to the term of an alarm permit; Amend <b>Section 5.01, <u>Fee Schedule</u></b> , to increase the number of alarm notifications permitted without charge.
93-123	11/23/93	Amend <b>Article II, <u>Permits</u>, Section 2.02, <u>Form of Application</u></b> , relative to dispensing with notarized signatures for individuals on alarm applications.
00-057	05/09/00	Amend <b>Article II, <u>Permits</u>, Section 2.02, <u>Form of Application</u>, Section 2.03, <u>Permit Issue/Denial</u>, Section 2.04, <u>Transfer and Amendments</u>, and Section 2.07, <u>Duration of Denial</u></b> , relative to replacing City Secretary with Chief; Amend <b>Article VI, <u>Revocation of Alarm Permit</u></b> , relative to replacing City Secretary with Chief; Amend <b>Article VII, <u>Appeals</u>, Section 7.01, <u>Appeal From Denial or Revocation of a Permit</u>, Subsection (A)</b> , relative to replacing City Secretary with Chief; Amend <b>Article VIII, <u>Violations</u>, Section 8.01, <u>Violations/Penalty</u>, Subsection (B)</b> , relative to replacing City Secretary with Chief.
00-086	08/01/00	Amend <b>Article I, <u>Definitions</u></b> , relative to the deletion of the definition of “Broadcast Signal”, and the addition of the definitions of “Alarm Administrator”,

## ORDINANCE HISTORY

<u>Number</u>	<u>Date of Adoption</u>	<u>Comments</u>
		<p>“Alarm Business”, “Alarm User”, “Alarm User Awareness Class”, “City Manager” and “Conversion” and the amendment of the definitions of “Alarm Site”, “Alarm System”, and “False Alarm Notification”; Amend <b>Article II, Permits</b>, relative to the issuance and denial of permits; Amend <b>Article III, Proper Alarm System Operation</b>, relative to the operation and maintenance of alarm systems; Amend <b>Article V, Service and Inspection Fees</b>, relative to the service fee charge schedule and appeal of service fees; Amend <b>Article VI, Revocation of Alarm Permit</b>, relative to the grounds for revocation of alarm permits; Amend <b>Article VII, Appeals</b>, relative to the appeal process.</p>
03-032	03/18/03	<p>Amend <b>Article II, Permits, Section 2.01, Permit Required, Subsection (D)</b>, relative to the increase of the permit fee to \$50; Amend <b>Article V, Service Fee, Section 5.01, Service Fee Schedule, Subsection (B)</b>, relative to the deletion of the late fee.</p>
05-104	11/08/05	<p>Amend <b>Article I, Definitions</b>, relative to replacing the term “Alarm Business” with the term “Alarm Systems Company”, and by the amendment of the definitions of “Alarm System” and “Conversion”; Amend <b>Article II, Permits, Section 2.02, Form of Application, Subsection (D)(4)</b> relative to changing the reference to Alarm Systems Company; <b>Section 2.03, Permit Issue/Renewal/Denial</b>, relative to changing the reference to Alarm Systems Company and by the addition of <b>Subsection (F)</b>; Amend <b>Article III, Proper Alarm System Operation, Section 3.02, Maintenance, Subsection (E), Section 3.08, Alarm Monitoring and Reporting</b>, and <b>Section 3.09, Alarm Business Records</b>, relative to changing the reference to Alarm Systems Company; <b>Section 3.10, Alarm Systems in Apartment Complexes</b>, relative to multiunit housing facilities; by the addition of</p>

## ORDINANCE HISTORY

<u>Number</u>	<u>Date of Adoption</u>	<u>Comments</u>
		<p><b>Section 3.12, <u>Duties of an Alarm Systems Company</u></b>; Amend <b>Article V, <u>Service Fee</u>, Section 5.01, <u>Service Fee Schedule</u></b>, relative to the service fee charge schedule; Amend <b>Article VI, <u>Revocation of Alarm Permit</u>, Section 6.01, <u>Grounds</u></b>, by the addition of <b>Subsection (F)</b>; Amend <b>Article VIII, <u>Violations</u>, Section 8.01, <u>Violations/Penalty</u></b>, relative to the duty of responsibility regardless of the presence or absence of a culpable mental state, the relettering of <b>Subsection (E)</b> to <b>Subsection (F)</b>; and the addition of a new <b>Subsection (E)</b> relative to Alarm Systems Company.</p>
14-029	05/27/14	<p>Amend <b>Article I, <u>Definitions</u></b>, by the addition of definitions for “100 Percent Disabled Veteran” and “Disabled Veteran”; Amend <b>Article II, <u>Permits</u>, Section 2.01, <u>Permit Required</u></b>, by the addition of an exemption for payment of the alarm permit fee for 100 Percent Disabled Veterans.</p>

**TABLE OF CONTENTS**

**ARTICLE I           DEFINITIONS**

**ARTICLE II           PERMITS**

- Section 2.01    Permit Required
- Section 2.02    Form of Application
- Section 2.03    Permit Issue/Renewal/Denial
- Section 2.04    Transfer and Amendments
- Section 2.05    Fees Paid
- Section 2.06    Permit Duration and Renewal
- Section 2.07    Duration of Denial

**ARTICLE III          PROPER ALARM SYSTEM OPERATION**

- Section 3.01    Requirements of Operation
- Section 3.02    Maintenance
- Section 3.03    Disabling an Alarm
- Section 3.04    Reporting of Alarm Signals
- Section 3.05    Alarm Reset
- Section 3.06    Alarm System and Permit Inspections
- Section 3.07    Alarm System Installations
- Section 3.08    Alarm Monitoring and Reporting
- Section 3.09    Alarm Business Records
- Section 3.10    Alarm Systems in Multiunit Housing  
                  Facilities
- Section 3.11    Alarm System Performance Reviews
- Section 3.12    Duties of an Alarm Systems Company

**ARTICLE IV          INFORMATION RECORDED**

- Section 4.01    Information Recorded
- Section 4.02    Alarm Classification

**ARTICLE V           SERVICE FEE**

- Section 5.01    Service Fee Schedule
- Section 5.02    Service Fee Nonapplicable
- Section 5.03    Appeal of Service Fee

**ARTICLE VI          REVOCATION OF ALARM PERMIT**

- Section 6.01    Grounds
- Section 6.02    Duration of Revocation

ALARM SYSTEMS  
Contents

**ARTICLE VII APPEALS**

Section 7.01 Appeal From Denial or Revocation of a  
Permit

**ARTICLE VIII VIOLATIONS**

Section 8.01 Violations/Penalty  
Section 8.02 Corporations, Partnerships and Associa-  
tions

**ARTICLE IX IMPLEMENTATION OF CHAPTER**

Section 9.01 Schedule  
Section 9.02 Review

**ARTICLE I**

**DEFINITIONS**

**“100 Percent Disabled Veteran”** means a Disabled Veteran, as defined in this Chapter, who receives from the United States Department of Veterans Affairs or its successor 100 percent disability compensation due to a service-connected disability and a rating of 100 percent disabled or of individual unemployability. (Amend Ord 14-029, 5/27/14)

**“Alarm Administrator”** means a person or persons designated by the Chief to administer and review and enforce alarm permitting and false alarm notifications, billing, and permit revocations.

**“Alarm Notification”** means a notification intended to summon the police, which is designed either to be initiated purposely by a person or by an alarm system that responds to a stimulus characteristic of unauthorized intrusion.

**“Alarm Site”** means a premise or location with one (1) street address served by an alarm system or systems that are under the control of one (1) owner or lessee.

**“Alarm System”** means a device or system, including but not limited to, systems interconnected with a radio frequency method such as cellular or private radio signals, that emits, transmits or relays a remote or local audible, visual or electronic signal indicating an alarm condition and intended to summon, or that would reasonably be expected to summon police services of the City of Arlington. Alarm system does not include:

1. An alarm installed on a vehicle;
2. An alarm designed to alert only the inhabitants of a premise which does not emit a signal that is audible or visible only from the exterior of the structure; or
3. A Personal Emergency Response System as that term is defined by Section 781.001 of the Texas Health and Safety Code. (Amend Ord 05-104, 11/8/05)

## ALARM SYSTEMS

**“Alarm Systems Company”** means the business, whether by an individual, partnership, corporation, or other entity, of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, installing, or monitoring an alarm system. (Amend Ord 05-104, 11/8/05)

**“Alarm User”** means any person, firm, partnership, corporation or other entity who (which) uses or is in control of any alarm system at its alarm site.

**“Alarm User Awareness Class”** means a class conducted by the City of Arlington for the purpose of educating alarm users about the problems created by false alarms and responsible use and operation of alarm systems.

**“Chief”** means the Chief of Police of the City of Arlington or authorized representative.

**“City Manager”** means the City Manager of the City of Arlington or authorized representative.

**“Commercial”** means a site used primarily for the purpose of conducting a business or trade. In the case of joint commercial and residential uses, the use of the unit wherein the alarm device is located classifies the site for the purposes of this ordinance.

**“Conversion”** means the transaction or process by which one Alarm Systems Company begins monitoring of an alarm system previously monitored by another Alarm Systems Company. (Amend Ord 05-104, 11/8/05)

**“Disabled Veteran”** means a veteran of the armed services of the United States who is classified as disabled by the Veterans' Administration or its successor or the branch of the armed services in which the veteran served and whose disability is service-connected. (Amend Ord 14-029, 5/27/14)

**“Establishment”** means any enterprise, public, private or social, operating at an alarm site.

**“False Alarm Notification”** means an alarm notification to the City of Arlington when the responding officer finds, through an inspection of the interior or exterior of the alarm site, no evidence of an attempted or actual unauthorized intrusion, burglary, robbery or hostage taking and the officer has responded to the site within thirty (30) minutes of the City of Arlington receiving the alarm notification.

**“Person”** means an individual, corporation, partnership, association, organization or similar entity.

## ARTICLE I - 2

(Amend Ord 14-029, 5/27/14)



**“Residential”** means a site used primarily as a dwelling. In the case of joint commercial and residential uses, the use of the unit wherein the alarm device is located classifies the site for the purposes of this ordinance.

**“Unit”** means a portion of an alarm site that contains a separately operated alarm system.  
(Amend Ord 00-086, 8/1/00)

**ARTICLE II****PERMITS****Section 2.01 Permit Required**

- A. A separate permit is required for each alarm site and for each alarm unit.
- B. A person commits an offense if he operates, or causes or allows to be operated, an alarm system on premises under his control or ownership or at its alarm site without a valid alarm permit issued by the Arlington Police Department. The Alarm Administrator and Arlington Police Officers are authorized to enforce this provision, and to issue citations for violations.
- C. No exemptions shall apply except as required by Federal or State law. The burden of proof shall be with the person asserting the exemption.
- D. The annual, nonrefundable fee for an alarm permit is Fifty Dollars (\$50). Persons sixty-five (65) years of age or older or persons that are 100 Percent Disabled Veterans are exempt from payment of this fee. (Amend Ord 14-029, 5/27/14)

**Section 2.02 Form of Application**

- A. Application for permits required by the provisions of this ordinance shall be filed with the Chief on a form provided by the Chief. If the applicant is a firm or partnership and no owner or general partner resides, operates a business or is employed within the State of Texas, then the application must be subscribed and sworn to by the individual having the authority and responsibility for the management and operations of the alarm within the State. If the applicant is a corporation, the application shall be subscribed and sworn to by at least one (1) principal corporate officer.
- B. If the applicant is a corporation, the application shall specify the date and place of its incorporation, the location of the applicant's principal place of business, a list of the principal corporate officers and the business address, business telephone number, residence address and the office or position held by each principal corporate officer.

## ALARM SYSTEMS

### 2.02

- C. If the applicant is a partnership, the application shall specify the location of the applicant's principal place of business and the names, business addresses, business telephone number, and residence addresses of each partner.
- D. The application shall include at least the following information:
  - 1. The individual's, corporation's, or partnership's full name, business address, business telephone number, residence address and residence telephone number;
  - 2. The individual's date and place of birth;
  - 3. The telephone number of the person designated to respond to an alarm as required by Section 3.01(A) below; and
  - 4. The name, business address, and business telephone number of the alarm systems company monitoring the alarm system, if applicable. (Amend Ord 05-104, 11/8/05)
- E. Any individual signing a permit application must be at least eighteen (18) years of age.
- F. The application shall state the address site for the location of the alarm system and whether it is a residential or commercial site.

### **Section 2.03 Permit Issue/Renewal/Denial**

Upon receipt of a completed application form, the Chief shall issue an alarm permit to an applicant unless the applicant:

- A. Failed to pay a service fee assessed under Section 5.01 below;
- B. Had an alarm permit for the alarm site revoked, and the violation causing the revocation has not been corrected;
- C. Made a false statement of a material matter in the application;
- D. Committed any act which, if committed by a permittee, would be grounds for the revocation of a license under Section 6.01 below;

- E. Is applying for a permit for an alarm system which has a history of unreliability, or is defective under Section 3.02(E). In such a case, the Chief may issue or renew the permit if applicant provides a statement from a licensed alarm systems company stating the alarm system functions properly; or
- F. Has had eight or more false alarms during the preceding 12-month period. (Amend Ord 05-104, 11/8/05)

#### **Section 2.04 Transfer and Amendments**

An alarm permit cannot be transferred to another person or site. A permit holder shall in writing inform the Chief of any change that alters any information listed on the permit application, including a conversion, within two (2) business days of such change. No fee will be assessed for such changes.

#### **Section 2.05 Fees Paid**

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

#### **Section 2.06 Permit Duration and Renewal**

A permit is valid for one (1) year from the earlier date of either the date of its issuance, or the date of the first false alarm notification, and may be renewed every year upon submission of an updated application. It is the responsibility of the permit holder to submit a renewal application ten (10) days prior to the permit expiration date.

#### **Section 2.07 Duration of Denial**

A denial of permit shall be for any period of time up to six (6) months at the discretion of the Chief based on the severity of the violation under Section 2.03 above. (Amend Ord 00-086, 8/1/00)

**ARTICLE III**

**PROPER ALARM SYSTEM OPERATION**

**Section 3.01 Requirements of Operation**

A permit holder or an alarm user shall:

- A. Respond or cause a representative to respond within a reasonable period of time (not to exceed two (2) hours) when notified by the City of Arlington to repair or inactivate a malfunctioning alarm system, to provide access to the premises or to provide security for the premises; and
- B. Not manually activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report.

**Section 3.02 Maintenance**

A permit holder or alarm user shall:

- A. Maintain the premises containing an alarm system in a manner that ensures proper operation of the alarm system.
- B. Maintain the alarm system in a manner that will minimize false alarm notifications.
- C. Adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal audible on the exterior of an alarm site will sound for no longer than fifteen (15) minutes after being activated.
- D. Maintain a complete set of written operating instructions for each alarm system at each alarm site. Special codes, combinations or passwords must not be included in these instructions.
- E. Operate the alarm system only if the system is functioning properly. If the alarm administrator determines that false alarm notification(s) are related to a defect or malfunction in the alarm system, the alarm administrator may require the permit holder or alarm user to produce a written report from a properly licensed alarm systems company which has inspected the

alarm system stating the probable cause of false alarms and actions taken or recommendations for eliminating the false alarms. For purposes of false alarm notifications, it is presumed an alarm system is defective if there are three (3) false alarm notifications within a thirty day period or five (5) false alarm notifications within a ninety day period. If there are five (5) false alarm notifications within a twelve month period, the permit holder shall have a properly licensed alarm systems company modify the alarm system to be more reliable and may attend alarm user awareness class. (Amend Ord 05-104, 11/8/05)

**Section 3.03 Disabling an Alarm**

If an alarm system sounds a broadcast signal (signal that is audible or visible from the exterior of a structure) for longer than thirty (30) minutes after being activated, an Arlington police officer is authorized to disable the alarm. All costs to the City of Arlington in disabling the alarm shall be assessed to the person required to have a permit and shall be paid to the City within thirty (30) days after the person has received notice that the costs have been assessed. Application for a permit constitutes a grant of approval to the City to disable the alarm as provided herein.

**Section 3.04 Reporting of Alarm Signals**

A permit holder or alarm user shall not allow alarm signals to be directly reported or reported through a relaying intermediary by a signal or recorded message to the City of Arlington unless mandated by federal law.

**Section 3.05 Alarm Reset**

A permit holder or alarm user of an alarm system that emits an alarm signal that is audible or visible from the exterior of a structure shall adjust the alarm system so that upon activation, the alarm system will not transmit another signal without first being reset.

**Section 3.06 Alarm System and Permit Inspections**

Upon the determination of the Alarm Administrator that an alarm system is malfunctioning and the permit holder or

alarm user is not maintaining the alarm system in compliance with Sections 3.01 and 3.02, the person in control of the alarm system shall allow the Chief to inspect an alarm site and alarm system during regular business hours, and in the case of a residential alarm system, upon notification to the permit holder. The alarm permit shall be kept at the alarm site and shall be produced for inspection upon request of the Arlington Police Department.

**Section 3.07 Alarm System Installations**

Only a permit holder, or at his request a person or business licensed by the Texas Board of Private Investigators and Private Security Agencies as provided by state law, may install an alarm system in the City of Arlington.

**Section 3.08 Alarm Monitoring and Reporting**

Only a person or business licensed by the Texas Board of Private Investigators and Private Security Agencies as provided by state law, may monitor and relay alarm notifications on behalf of a permit holder or alarm user. Before relaying an alarm notification, the Alarm Systems Company shall attempt to verify, by telephonic or other electronic means, every alarm signal. An Alarm Systems Company shall send notifications of alarms and cancellations of alarms to the City of Arlington in a manner and form determined by the City of Arlington, and shall relay current permit numbers for each alarm notification. An Alarm Systems Company may be assessed a service fee of twenty-five dollars (\$25) for each incorrect or incomplete permit number relayed to the City of Arlington. Any service fee assessed under the provisions of this section must be paid within thirty (30) days after receipt of notice of the assessment. If the assessed fees become ninety (90) days delinquent, a ten (10) percent late charge will be added. (Amend Ord 05-104, 11/8/05)

**Section 3.09 Alarm Business Records**

An Alarm Systems Company which monitors and reports alarm notifications to the City of Arlington must maintain designated records for a period of at least thirteen (13) months following the request for police dispatch to an alarm site. Records must include the name, address and telephone

number of the alarm user, address of the alarm site, the alarm system zone(s) or point(s) activated, the time of request for police dispatch, and evidence that an attempt to verify was made to the alarm site prior to the request for police dispatch, and if applicable, time of cancellation of police response. The Alarm Administrator may request copies of such records for individually named alarm users or permit holders. (Amend Ord 05-104, 11/8/05)

**Section 3.10 Alarm Systems in Multiunit Housing Facilities**

- A. The owner or property manager of a multiunit housing facility shall obtain a separate alarm permit for an alarm system operated in nonresidential areas of the multiunit housing facility.
- B. A service fee may not be imposed for the signaling of a false alarm on the premises of a multiunit housing facility for a facility other than an individual residential unit unless the permit holder is notified of:
  - 1. the date of the signaling of the false alarm;
  - 2. the address of the multiunit housing facility where the signaling of the false alarm occurred; and
  - 3. the identification of the individual facility, if applicable, located on the multiunit housing facility premises where the signaling of the false alarm occurred.
- C. The owner or property manager of a multiunit housing facility in which an alarm system is installed in one or more individual residential units shall disconnect the alarm system in any vacant residential unit or be responsible for payment of all service fees for any false alarm notification emitted from an alarm system in any vacant residential unit in the multiunit housing facility. (Amend Ord 05-104, 11/8/05)

**Section 3.11 Alarm System Performance Reviews**

If there is reason to believe that an alarm system is not being used or maintained in a manner that ensures proper operation and reduction of false alarm notifications, the



alarm administrator may require a conference with a permit holder, and may recommend attendance at an alarm user awareness class. If the permit holder fails to attend a conference, after receiving notice, an administrative fee of twenty-five dollars (\$25) may be imposed against the permit holder. (Amend Ord 00-086, 8/1/00)

**Section 3.12 Duties of an Alarm Systems Company**

- A. On the installation or activation of an alarm system, an alarm systems company shall distribute to the occupant of the alarm system location information on:
1. the applicable local and state law relating to false alarms, including the potential for penalties and revocation or suspension of a permit;
  2. how to prevent false alarms, and
  3. how to operate the alarm system.
- B. An alarm systems company shall notify the municipality in which the alarm system is located of an installation or activation of an alarm system not later than the 30th day after the date of installation or activation. The alarm systems company shall provide to the municipality:
1. the alarm systems company name;
  2. the alarm systems company license number;
  3. the name of the occupant of the alarm system location;
  4. the address of the alarm system location; and
  5. the date of installation or activation.
- C. This section applies only to an alarm system installed or activated on or after January 1, 2006. (Amend Ord 05-104, 11/8/05)

**ARTICLE IV**  
**INFORMATION RECORDED**

**Section 4.01 Information Recorded**

The Arlington Police Department shall cause to be recorded such information as necessary to permit said City to maintain records of calls made in response to an alarm, including but not limited to the following information, if available:

- A. Identification of the permit holder;
- B. Identification of the alarm site;
- C. Arrival time and time call cleared;
- D. Time of day and date;
- E. Physical damage to the structure likely to have caused the alarm; and
- F. Name of the permit holder's representative on premises, if any.

**Section 4.02 Alarm Classification**

- A. The responding officer shall report whether the notification was caused by a criminal offense or other physical damage to the structure likely to have caused the alarm, which classification will determine whether the alarm is a false alarm notification.
- B. An alarm notification will not be counted in determining when a service fee will be assessed if the permit holder proves that the alarm notification was the result of a malfunction in the operation of telephone lines for the transmission of alarm signals. Under this subsection, proof shall be telephone company work orders or time-stamped records from the servicing alarm company showing the periods of interrupted service. (Amend Ord 90-29, 3/13/90)

**ARTICLE V**

**SERVICE FEE**

**Section 5.01 Service Fee Schedule**

- A. No service fee will be charged within any twelve (12) month period for the first three (3) false alarm notifications.
- B. Except as provided in Sections 5.02 and 5.03 below, a person who is required to obtain a permit shall pay:
  - 1. A service fee of Fifty Dollars (\$50) each for the fourth and fifth false alarm notification in the preceding 12-month period;
  - 2. A service fee of Seventy Five Dollars (\$75) each for the sixth and seventh false alarm notification in the preceding 12-month period; and
  - 3. A service fee of One Hundred Dollars (\$100) each for the eighth or any additional false alarm notification in the preceding 12-month period.  
(Amend Ord 05-104, 11/8/05)

**Section 5.02 Service Fee Nonapplicable**

If the responding police officer or alarm administrator determines that an alarm notification was caused by a criminal offense or other physical damage to the structure likely to have caused an alarm, or by a natural or man-made catastrophe, no service fee will be assessed for that notification, and that notification will not be counted in determining when a service fee will be assessed.

**Section 5.03 Appeal of Service Fee**

If the responding police officer determines that an alarm notification was false, the officer will so notify the permit holder and the Alarm Administrator according to procedures established by the Chief. If the permit holder disputes the officer's determination that the alarm notification was false, the permit holder must, within five (5) working days of receipt of a false alarm notice, make an appeal in writing to the Alarm Administrator. The appeal

ALARM SYSTEMS

5.03

must state the date of the alarm notification and the reasons why the permit holder requests the service fee not be assessed. The Alarm Administrator will make a determination in writing within five (5) working days of receipt of the appeal. The determination of the Alarm Administrator may be appealed to the Chief if an appeal is made in writing to the Chief within five (5) working days of receipt of the Alarm Administrator's findings. The decision of the Chief is final. (Amend Ord 00-086, 8/1/00)

**ARTICLE VI**

**REVOCATION OF ALARM PERMIT**

**Section 6.01 Grounds**

The Chief shall revoke an alarm permit upon determination that:

- A. There is a false statement of a material matter in the application for a permit;
- B. The permit holder has violated any provision of Article III above;
- C. The permit holder has failed to make timely payment of fees assessed under Section 5.01 above;
- D. The alarm system, due to mechanical malfunction or faulty equipment, has caused at least six (6) false alarm dispatch requests in a twelve (12) month period. For purposes of revocation of a permit, human error and acts of God do not constitute mechanical malfunction or faulty equipment;
- E. An alarm system was manually activated in violation of Section 3.01(B); or
- F. An alarm system has had eight or more false alarms during the preceding 12-month period. (Amend Ord 05-104, 11/8/05)

**Section 6.02 Duration of Revocation**

A revocation shall be for any period of time up to six (6) months at the discretion of the Chief based on the severity of the violation. (Amend Ord 00-086, 8/1/00)

**ARTICLE VII**

**APPEALS**

**Section 7.01 Appeal From Denial or Revocation of a Permit**

- A. If the Chief refuses to issue or renew a permit, or revokes a permit, he/she shall send to the applicant or permit holder, within five (5) working days by certified mail, return receipt requested, written notice of his action, the reasons therefore, and a statement of the right to an appeal. The applicant or permit holder may appeal the decision to the City Manager by filing with the City Manager a written request for a hearing setting forth the reasons for the appeal within ten (10) days after receipt of the notice. The filing of a request within ten (10) days for an appeal hearing with the City Manager stays an action revoking a permit until the City Manager makes a final decision. If a request for an appeal hearing is not made within the ten (10) day period, the refusal or revocation is final.
- B. The City Manager shall serve as Hearing Officer at an appeal and consider evidence by any interested person. The formal rules of evidence do not apply at an appeal hearing. The Hearing Officer shall make a decision on the basis of a preponderance of the evidence presented at the hearing. The Hearing Officer must render a decision within thirty (30) days after the request for an appeal hearing is filed. The Hearing Officer shall affirm, reverse or modify the Chief's decision. The decision of the Hearing Officer is final. (Amend Ord 00-086, 8/1/00)

ARTICLE VIII

VIOLATIONS

Section 8.01 Violations/Penalty

- A. General. A person commits an offense if he violates by commission or omission any provision of this Chapter of the Code of the City of Arlington that imposes upon him a duty or responsibility, regardless of the presence or absence of a culpable mental state.
- B. Permittee. A person who is required to have a permit under this Chapter commits an offense if he/she knowingly operates, causes or permits to be operated an alarm system without a current alarm permit issued by the Chief.
- C. Non-Permittee. A person who is not required to have a permit under this Chapter commits an offense if he knowingly operates, causes or permits to be operated an alarm system after receipt of notice that the alarm system lacks a current City permit.
- D. Revoked Permit. A person who is required to have a permit under this Chapter commits an offense if he knowingly operates, causes or permits to be operated an alarm system during the period in which the alarm permit is revoked.
- E. Alarm Systems Company. It is unlawful for An Alarm Systems Company or any owner, operator, manager, agent or employee thereof to allow or permit a violation of any of the duties imposed by Section 3.12 of this Chapter to occur.
- F. Penalty. A person who violates a provision of this Chapter is guilty of a separate offense for each violation committed, continued or permitted, and each offense is punishable by a fine of not more than Five Hundred and No/100 Dollars (\$500.00). (Amend Ord 05-104, 11/8/05)

**Section 8.02    Corporations, Partnerships and Associations**

In addition to prohibiting or requiring certain conduct of individuals, it is the intent of this Chapter 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 his employment. (Amend Ord 89-68, 6/13/89)



**ARTICLE IX**  
**IMPLEMENTATION OF CHAPTER**

**Section 9.01 Schedule**

- A. Upon adoption, this Chapter shall apply only to a person who operates or causes to be operated an alarm system at an alarm site other than a residential site.
- B. Beginning January 1, 1990, this Chapter shall apply to all alarm systems, as defined herein, in the City of Arlington.

**Section 9.02 Review**

The Chief of Police shall monitor the enforcement and effect of this Chapter and make a report to the Arlington City Council on January 1, 1991, of its effect in reducing unnecessary alarm notifications. (Amend Ord 89-68, 6/13/89)

ORDINANCE NO. 00-057

AN ORDINANCE AMENDING THE "**ALARM SYSTEMS**" CHAPTER OF THE CODE OF THE CITY OF ARLINGTON, TEXAS, 1987, THROUGH THE AMENDMENT OF **ARTICLE II**, ENTITLED PERMITS, BY THE AMENDMENT OF **SECTION 2.02**, FORM OF APPLICATION, **SECTION 2.03**, PERMIT ISSUE/DENIAL, **SECTION 2.04**, TRANSFER AND AMENDMENTS, AND **SECTION 2.07**, DURATION OF DENIAL, RELATIVE TO REPLACING CITY SECRETARY WITH CHIEF; THROUGH THE AMENDMENT OF **ARTICLE VI**, ENTITLED REVOCAION OF ALARM PERMIT, RELATIVE TO REPLACING CITY SECRETARY WITH CHIEF; THROUGH THE AMENDMENT OF **ARTICLE VII**, ENTITLED APPEALS, BY THE AMENDMENT OF **SECTION 7.01**, APPEAL FROM DENIAL OR REVOCATION OF A PERMIT, **SUBSECTION (A)**, RELATIVE TO REPLACING CITY SECRETARY WITH CHIEF; THROUGH THE AMENDMENT OF **ARTICLE VIII**, ENTITLED VIOLATIONS, BY THE AMENDMENT OF **SECTION 8.01**, VIOLATIONS/PENALTY, **SUBSECTION (B)**, RELATIVE TO REPLACING CITY SECRETARY WITH CHIEF; PROVIDING FOR A FINE UP TO **\$500** FOR EACH OFFENSE IN VIOLATION OF THE ORDINANCE; PROVIDING THIS ORDINANCE BE CUMULATIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR PUBLICATION AND BECOMING EFFECTIVE TEN DAYS AFTER PUBLICATION

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

1.

That the "**Alarm Systems**" Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of Article II, Permits, by the amendment of **Section 2.02**, Form of Application, **Subsection (A)**, so that hereafter said subsection shall be and read as follows:

- A. Application for permits required by the provisions of this ordinance shall be filed with the Chief of Police

of the City of Arlington on a form provided by said Chief. If the applicant is a firm or partnership and no owner or general partner resides, operates a business or is employed within the State of Texas, then the application must be subscribed and sworn to by the individual having the authority and responsibility for the management and operations of the alarm within said State. If the applicant is a corporation, the application shall be subscribed and sworn to by at least one (1) principal corporate officer.

Further, **Article II**, is hereby amended through the amendment of **Section 2.03, Permit Issue/Denial**, so that hereafter said section shall be and read as follows:

**Section 2.03 Permit Issue/Denial**

Upon receipt of a completed application form, the Chief shall issue an alarm permit to an applicant unless the applicant:

- A. Failed to pay a service fee assessed under Section 5.01 below;
- B. Had an alarm permit for the alarm site revoked, and the violation causing the revocation has not been corrected;
- C. Made a false statement of a material matter in the application;
- D. Committed any act which, if committed by a permittee, would be grounds for the revocation of a license under Section 6.01 below; or
- E. Is applying for a permit for an alarm system which has a history of unreliability. In such a case, the Chief may issue the permit at his/her discretion.

Further, **Article II**, is hereby amended through the amendment of **Section 2.04, Transfer and Amendments**, so that hereafter said section shall be and read as follows:

**Section 2.04 Transfer and Amendments**

An alarm permit cannot be transferred to another person or site. A permit holder shall inform the Chief of any

change that alters any information listed on the permit application within two (2) business days of such change. No fee will be assessed for such changes.

Further, **Article II**, is hereby amended through the amendment of **Section 2.07, Duration of Denial**, so that hereafter said section shall be and read as follows:

**Section 2.07 Duration of Denial**

A denial of permit shall be for any period of time up to six (6) months at the discretion of the Chief based on the severity of the violation under Section 2.03 above.

Further, **Article VI, Revocation of Alarm Permit**, is hereby amended, so that hereafter said Article shall be and read as follows:

**Section 6.01 Grounds**

The Chief shall revoke an alarm permit if it is determined that:

- A. There is a false statement of a material matter in the application for a permit;
- B. The permit holder has violated Article III above; or
- C. The permit holder has failed to make timely payment of fees assessed under Section 5.01 above.

**Section 6.02 Duration of Revocation**

A revocation shall be for any period of time up to six (6) months at the discretion of the Chief based on the severity of the violation.

Further, **Article VII, Appeals**, is hereby amended through the amendment of **Section 7.01, Appeal From Denial or Revocation of a Permit, Subsection (A)**, so that hereafter said subsection shall be and read as follows:

- A. If the Chief refuses to issue or renew a permit, or revokes a permit, written notice of the Chief's action and a statement of the right to an appeal shall be sent

to the applicant or permit holder, within five (5) working days by certified mail, return receipt requested,. The applicant or permit holder may appeal the decision to the City Manager of the City of Arlington by filing with said City Manager a written request for a hearing setting forth the reasons for the appeal within ten (10) days after receipt of the notice. The filing of a request within ten (10) days for an appeal hearing with the City Manager stays an action revoking a permit until the City Manager or his designated representative makes a final decision. If a request for an appeal hearing is not made within the ten (10) day period, the refusal or revocation is final.

Further, **Article VIII, Violations**, is hereby amended through the amendment of **Section 8.01, Violations/Penalty, Subsection (B)**, so that hereafter said subsection shall be and read as follows:

- B. Permittee. A person who is required to have a permit under this Chapter commits an offense if he/she knowingly operates, causes or permits to be operated an alarm system without a current alarm permit issued by the Chief.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed **Five Hundred and No/100 Dollars (\$500)** for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the 2nd day of May, **2000**, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 9th day of May, **2000**, by a vote of 8 ayes and 0 nays at a regular meeting of the City Council of the City of **Arlington, Texas**.

ORDINANCE NO. 00-086

AN ORDINANCE AMENDING THE **"ALARM SYSTEMS"** CHAPTER OF THE CODE OF THE CITY OF ARLINGTON, TEXAS, 1987, THROUGH THE AMENDMENT OF **ARTICLE I**, ENTITLED DEFINITIONS, RELATIVE TO THE DELETION OF THE DEFINITION OF "BROADCAST SIGNAL", AND THE ADDITION OF THE DEFINITIONS OF "ALARM ADMINISTRATOR", "ALARM BUSINESS", "ALARM USER", "ALARM USER AWARENESS CLASS", "CITY MANAGER" AND "CONVERSION" AND THE AMENDMENT OF THE DEFINITIONS OF "ALARM SITE", "ALARM SYSTEM", AND "FALSE ALARM NOTIFICATION"; THROUGH THE AMENDMENT OF **ARTICLE II**, ENTITLED PERMITS, RELATIVE TO THE ISSUANCE AND DENIAL OF PERMITS; THROUGH THE AMENDMENT OF **ARTICLE III**, ENTITLED PROPER ALARM SYSTEM OPERATION, RELATIVE TO THE OPERATION AND MAINTENANCE OF ALARM SYSTEMS; THROUGH THE AMENDMENT OF **ARTICLE V**, ENTITLED SERVICE AND INSPECTION FEES, RELATIVE TO THE SERVICE FEE CHARGE SCHEDULE AND APPEAL OF SERVICE FEES; THROUGH THE AMENDMENT OF **ARTICLE VI**, ENTITLED REVOCAION OF ALARM PERMIT, RELATIVE TO THE GROUNDS FOR REVOCATION OF ALARM PERMITS; THROUGH THE AMENDMENT OF **ARTICLE VII**, ENTITLED APPEALS, RELATIVE TO THE APPEAL PROCESS; PROVIDING FOR A FINE UP TO **\$500** FOR EACH OFFENSE IN VIOLATION OF THE ORDINANCE; PROVIDING THIS ORDINANCE BE CUMULATIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR PUBLICATION AND BECOMING EFFECTIVE OCTOBER 1, 2000

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

1.

That the **"Alarm Systems"** Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of Article I, Definitions, so that hereafter said Article shall be and read as follows:

## ARTICLE I

### DEFINITIONS

**"Alarm Administrator"** means a person or persons designated by the Chief to administer and review and enforce alarm permitting and false alarm notifications, billing, and permit revocations.

**"Alarm Business"** means the business, whether by an individual, partnership, corporation, or other entity, of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, installing, or monitoring an alarm system.

**"Alarm Notification"** means a notification intended to summon the police, which is designed either to be initiated purposely by a person or by an alarm system that responds to a stimulus characteristic of unauthorized intrusion.

**"Alarm Site"** means a premise or location with one (1) street address served by an alarm system or systems that are under the control of one (1) owner or lessee.

**"Alarm System"** means a device or system, including but not limited to, systems interconnected with a radio frequency method such as cellular or private radio signals, that emits, transmits or relays a remote or local audible, visual or electronic signal indicating an alarm condition and intended to summon, or that would reasonably be expected to summon police services of the City of Arlington. Alarm system does not include:

1. An alarm installed on a vehicle; or
2. An alarm designed to alert only the inhabitants of a premise which does not emit a signal that is audible or visible only from the exterior of the structure.

**"Alarm User"** means any person, firm, partnership, corporation or other entity who (which) uses or is in control of any alarm system at its alarm site.

**"Alarm User Awareness Class"** means a class conducted by the City of Arlington for the purpose of educating alarm users about the problems created by false alarms and responsible use and operation of alarm systems.



**"Chief"** means the Chief of Police of the City of Arlington or authorized representative.

**"City Manager"** means the City Manager of the City of Arlington or authorized representative.

**"Commercial"** means a site used primarily for the purpose of conducting a business or trade. In the case of joint commercial and residential uses, the use of the unit wherein the alarm device is located classifies the site for the purposes of this ordinance.

**"Conversion"** means the transaction or process by which one Alarm Business begins monitoring of an alarm system previously monitored by another Alarm Business.

**"Establishment"** means any enterprise, public, private or social, operating at an alarm site.

**"False Alarm Notification"** means an alarm notification to the City of Arlington when the responding officer finds, through an inspection of the interior or exterior of the alarm site, no evidence of an attempted or actual unauthorized intrusion, burglary, robbery or hostage taking and the officer has responded to the site within thirty (30) minutes of the City of Arlington receiving the alarm notification.

**"Person"** means an individual, corporation, partnership, association, organization or similar entity.

**"Residential"** means a site used primarily as a dwelling. In the case of joint commercial and residential uses, the use of the unit wherein the alarm device is located classifies the site for the purposes of this ordinance.

**"Unit"** means a portion of an alarm site that contains a separately operated alarm system.

Further, **Article II, Permits**, is hereby amended so that hereafter said Article shall be and read as follows:

## ARTICLE II

### PERMITS

#### Section 2.01 Permit Required

- A. A separate permit is required for each alarm site and for each alarm unit.
- B. A person commits an offense if he operates, or causes or allows to be operated, an alarm system on premises under his control or ownership or at its alarm site without a valid alarm permit issued by the Arlington Police Department. The Alarm Administrator and Arlington Police Officers are authorized to enforce this provision, and to issue citations for violations.
- C. No exemptions shall apply except as required by Federal or State law. The burden of proof shall be with the person asserting the exemption.
- D. The annual, nonrefundable fee for an alarm permit is ten (\$10) dollars. Persons 65 years of age or older are exempt from payment of this fee.

#### Section 2.02 Form of Application

- A. Application for permits required by the provisions of this ordinance shall be filed with the Chief on a form provided by the Chief. If the applicant is a firm or partnership and no owner or general partner resides, operates a business or is employed within the State of Texas, then the application must be subscribed and sworn to by the individual having the authority and responsibility for the management and operations of the alarm within the State. If the applicant is a corporation, the application shall be subscribed and sworn to by at least one (1) principal corporate officer.
- B. If the applicant is a corporation, the application shall specify the date and place of its incorporation, the location of the applicant's principal place of business, a list of the principal corporate officers and the business address, business telephone number, residence address and the office or position held by each principal corporate officer.

- C. If the applicant is a partnership, the application shall specify the location of the applicant's principal place of business and the names, business addresses, business telephone number, and residence addresses of each partner.
- D. The application shall include at least the following information:
  - 1. The individual's, corporation's, or partnership's full name, business address, business telephone number, residence address and residence telephone number;
  - 2. The individual's date and place of birth;
  - 3. The telephone number of the person designated to respond to an alarm as required by Section 3.01(A) below; and
  - 4. The name, business address, and business telephone number of the alarm business monitoring the alarm system, if applicable.
- E. Any individual signing a permit application must be at least eighteen (18) years of age.
- F. The application shall state the address site for the location of the alarm system and whether it is a residential or commercial site.

**Section 2.03 Permit Issue/Renewal/Denial**

Upon receipt of a completed application form, the Chief shall issue an alarm permit to an applicant unless the applicant:

- A. Failed to pay a service fee assessed under Section 5.01 below;
- B. Had an alarm permit for the alarm site revoked, and the violation causing the revocation has not been corrected;
- C. Made a false statement of a material matter in the application;

- D. Committed any act which, if committed by a permittee, would be grounds for the revocation of a license under Section 6.01 below; or
- E. Is applying for a permit for an alarm system which has a history of unreliability, or is defective under Section 3.02(E). In such a case, the Chief may issue or renew the permit if applicant provides a statement from a licensed alarm business stating the alarm system functions properly.

**Section 2.04 Transfer and Amendments**

An alarm permit cannot be transferred to another person or site. A permit holder shall in writing inform the Chief of any change that alters any information listed on the permit application, including a conversion, within two (2) business days of such change. No fee will be assessed for such changes.

**Section 2.05 Fees Paid**

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

**Section 2.06 Permit Duration and Renewal**

A permit is valid for one (1) year from the earlier date of either the date of its issuance, or the date of the first false alarm notification, and may be renewed every year upon submission of an updated application. It is the responsibility of the permit holder to submit a renewal application ten (10) days prior to the permit expiration date.

**Section 2.07 Duration of Denial**

A denial of permit shall be for any period of time up to six (6) months at the discretion of the Chief based on the severity of the violation under Section 2.03 above.

Further, **Article III, Proper Alarm System Operation**, is hereby amended so that hereafter said Article shall be and read as follows:

## ARTICLE III

### PROPER ALARM SYSTEM OPERATION

#### Section 3.01 Requirements of Operation

A permit holder or an alarm user shall:

- A. Respond or cause a representative to respond within a reasonable period of time (not to exceed two (2) hours) when notified by the City of Arlington to repair or inactivate a malfunctioning alarm system, to provide access to the premises or to provide security for the premises; and
- B. Not manually activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report.

#### Section 3.02 Maintenance

A permit holder or alarm user shall:

- A. Maintain the premises containing an alarm system in a manner that ensures proper operation of the alarm system.
- B. Maintain the alarm system in a manner that will minimize false alarm notifications.
- C. Adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal audible on the exterior of an alarm site will sound for no longer than fifteen (15) minutes after being activated.
- D. Maintain a complete set of written operating instructions for each alarm system at each alarm site. Special codes, combinations or passwords must not be included in these instructions.
- E. Operate the alarm system only if the system is functioning properly. If the alarm administrator determines that false alarm notification(s) are related to a defect or malfunction in the alarm system, the alarm administrator may require the permit holder or alarm user to produce a written report from a properly licensed alarm business which has inspected the alarm

system stating the probable cause of false alarms and actions taken or recommendations for eliminating the false alarms. For purposes of false alarm notifications, it is presumed an alarm system is defective if there are three (3) false alarm notifications within a thirty day period or five (5) false alarm notifications within a ninety day period. If there are five (5) false alarm notifications within a twelve month period, the permit holder shall have a properly licensed alarm business modify the alarm system to be more reliable and may attend alarm user awareness class.

### **Section 3.03 Disabling an Alarm**

If an alarm system sounds a broadcast signal (signal that is audible or visible from the exterior of a structure) for longer than thirty (30) minutes after being activated, an Arlington police officer is authorized to disable the alarm. All costs to the City of Arlington in disabling the alarm shall be assessed to the person required to have a permit and shall be paid to the City within thirty (30) days after the person has received notice that the costs have been assessed. Application for a permit constitutes a grant of approval to the City to disable the alarm as provided herein.

### **Section 3.04 Reporting of Alarm Signals**

A permit holder or alarm user shall not allow alarm signals to be directly reported or reported through a relaying intermediary by a signal or recorded message to the City of Arlington unless mandated by federal law.

### **Section 3.05 Alarm Reset**

A permit holder or alarm user of an alarm system that emits an alarm signal that is audible or visible from the exterior of a structure shall adjust the alarm system so that upon activation, the alarm system will not transmit another signal without first being reset.

**Section 3.06 Alarm System and Permit Inspections**

Upon the determination of the Alarm Administrator that an alarm system is malfunctioning and the permit holder or alarm user is not maintaining the alarm system in compliance with Sections 3.01 and 3.02, the person in control of the alarm system shall allow the Chief to inspect an alarm site and alarm system during regular business hours, and in the case of a residential alarm system, upon notification to the permit holder. The alarm permit shall be kept at the alarm site and shall be produced for inspection upon request of the Arlington Police Department.

**Section 3.07 Alarm System Installations**

Only a permit holder, or at his request a person or business licensed by the Texas Board of Private Investigators and Private Security Agencies as provided by state law, may install an alarm system in the City of Arlington.

**Section 3.08 Alarm Monitoring and Reporting**

Only a person or business licensed by the Texas Board of Private Investigators and Private Security Agencies as provided by state law, may monitor and relay alarm notifications on behalf of a permit holder or alarm user. Before relaying an alarm notification, the Alarm Business shall attempt to verify, by telephonic or other electronic means, every alarm signal. An Alarm Business shall send notifications of alarms and cancellations of alarms to the City of Arlington in a manner and form determined by the City of Arlington, and shall relay current permit numbers for each alarm notification. An Alarm Business may be assessed a service fee of twenty-five dollars (\$25) for each incorrect or incomplete permit number relayed to the City of Arlington. Any service fee assessed under the provisions of this section must be paid within thirty (30) days after receipt of notice of the assessment. If the assessed fees become ninety (90) days delinquent, a ten (10) percent late charge will be added.

**Section 3.09 Alarm Business Records**

An Alarm Business which monitors and reports alarm notifications to the City of Arlington must maintain

designated records for a period of at least thirteen (13) months following the request for police dispatch to an alarm site. Records must include the name, address and telephone number of the alarm user, address of the alarm site, the alarm system zone(s) or point(s) activated, the time of request for police dispatch, and evidence that an attempt to verify was made to the alarm site prior to the request for police dispatch, and if applicable, time of cancellation of police response. The Alarm Administrator may request copies of such records for individually named alarm users or permit holders.

### **Section 3.10     Alarm Systems in Apartment Complexes**

The owner or property manager of an apartment complex shall obtain a separate alarm permit for an alarm system operated in nonresidential areas of the apartment complex. The owner or property manager of an apartment complex in which an alarm system is installed in one or more individual residential units shall disconnect the alarm system in any vacant residential unit or be responsible for payment of all service fees for any false alarm notification emitted from an alarm system in any vacant residential unit in the apartment complex.

### **Section 3.11     Alarm System Performance Reviews**

If there is reason to believe that an alarm system is not being used or maintained in a manner that ensures proper operation and reduction of false alarm notifications, the alarm administrator may require a conference with a permit holder, and may recommend attendance at an alarm user awareness class. If the permit holder fails to attend a conference, after receiving notice, an administrative fee of twenty-five dollars (\$25) may be imposed against the permit holder.

Further, **Article V, Service and Inspection Fees**, is hereby amended so that hereafter said Article shall be and read as follows:



## ARTICLE V

### SERVICE FEES

#### Section 5.01 Service Fee Schedule

- A. No service fee will be charged within any twelve (12) month period for the first five (5) false alarm notifications.
- B. Except as provided in Sections 5.02 and 5.03 below, a person who is required to obtain a permit shall pay a service fee of Fifty Dollars (\$50) for each false alarm notification after the five notifications described in 5.01(A) above. If payment is not made within thirty (30) days, a late fee of Ten Dollars (\$10) will also be assessed.

#### Section 5.02 Service Fee Nonapplicable

If the responding police officer or alarm administrator determines that an alarm notification was caused by a criminal offense or other physical damage to the structure likely to have caused an alarm, or by a natural or man-made catastrophe, no service fee will be assessed for that notification, and that notification will not be counted in determining when a service fee will be assessed.

#### Section 5.03 Appeal of Service Fee

If the responding police officer determines that an alarm notification was false, the officer will so notify the permit holder and the Alarm Administrator according to procedures established by the Chief. If the permit holder disputes the officer's determination that the alarm notification was false, the permit holder must, within five (5) working days of receipt of a false alarm notice, make an appeal in writing to the Alarm Administrator. The appeal must state the date of the alarm notification and the reasons why the permit holder requests the service fee not be assessed. The Alarm Administrator will make a determination in writing within five (5) working days of receipt of the appeal. The determination of the Alarm Administrator may be appealed to the Chief if an appeal is made in writing to the Chief within five (5) working days of

receipt of the Alarm Administrator's findings. The decision of the Chief is final.

Further, **Article VI, Revocation of Alarm Permit**, is hereby amended so that hereafter said Article shall be and read as follows:

## **ARTICLE VI**

### **REVOCATION OF ALARM PERMIT**

#### **Section 6.01 Grounds**

The Chief shall revoke an alarm permit upon determination that:

- A. There is a false statement of a material matter in the application for a permit;
- B. The permit holder has violated any provision of Article III above;
- C. The permit holder has failed to make timely payment of fees assessed under Section 5.01 above;
- D. The alarm system, due to mechanical malfunction or faulty equipment, has caused at least six (6) false alarm dispatch requests in a twelve (12) month period. For purposes of revocation of a permit, human error and acts of God do not constitute mechanical malfunction or faulty equipment; or
- E. An alarm system was manually activated in violation of Section 3.01(B).

#### **Section 6.02 Duration of Revocation**

A revocation shall be for any period of time up to six (6) months at the discretion of the Chief based on the severity of the violation.

Further, **Article VII, Appeals**, is hereby amended so that hereafter said Article shall be and read as follows:

ARTICLE VII

APPEALS

Section 7.01 Appeal From Denial or Revocation of a Permit

- A. If the Chief refuses to issue or renew a permit, or revokes a permit, he/she shall send to the applicant or permit holder, within five (5) working days by certified mail, return receipt requested, written notice of his action, the reasons therefore, and a statement of the right to an appeal. The applicant or permit holder may appeal the decision to the City Manager by filing with the City Manager a written request for a hearing setting forth the reasons for the appeal within ten (10) days after receipt of the notice. The filing of a request within ten (10) days for an appeal hearing with the City Manager stays an action revoking a permit until the City Manager makes a final decision. If a request for an appeal hearing is not made within the ten (10) day period, the refusal or revocation is final.
- B. The City Manager shall serve as Hearing Officer at an appeal and consider evidence by any interested person. The formal rules of evidence do not apply at an appeal hearing. The Hearing Officer shall make a decision on the basis of a preponderance of the evidence presented at the hearing. The Hearing Officer must render a decision within thirty (30) days after the request for an appeal hearing is filed. The Hearing Officer shall affirm, reverse or modify the Chief's decision. The decision of the Hearing Officer is final.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed **Five Hundred and No/100 Dollars (\$500)** for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective on October 1, 2000.

PRESENTED AND GIVEN FIRST READING on the 25th day of July, **2000**, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 1st day of August, **2000**, by a vote of 7 ayes and 2 nays at a regular meeting of the City Council of the City of **Arlington, Texas**.

ORDINANCE NO. 03-032

AN ORDINANCE AMENDING THE “**ALARM SYSTEMS**” CHAPTER OF THE CODE OF THE CITY OF ARLINGTON, TEXAS, 1987, THROUGH THE AMENDMENT OF **ARTICLE II**, ENTITLED PERMITS, BY THE AMENDMENT OF **SECTION 2.01**, PERMIT REQUIRED, SUBSECTION (D), RELATIVE TO THE INCREASE OF THE PERMIT FEE TO \$50; THROUGH THE AMENDMENT OF **ARTICLE V**, SERVICE FEE, BY THE AMENDMENT OF **SECTION 5.01**, SERVICE FEE SCHEDULE, SUBSECTION (B), RELATIVE TO THE DELETION OF THE LATE FEE; PROVIDING FOR A FINE UP TO \$500 FOR EACH OFFENSE IN VIOLATION OF THE ORDINANCE; PROVIDING THIS ORDINANCE BE CUMULATIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR PUBLICATION AND BECOMING EFFECTIVE APRIL 1, 2003

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

1.

That the "**Alarm Systems**" Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of Article II, Permits, by the amendment of **Section 2.01**, Permit Required, Subsection (D), so that hereafter said subsection shall be and read as follows:

- D. The annual, nonrefundable fee for an alarm permit is Fifty Dollars (\$50). Persons sixty-five (65) years of age or older are exempt from payment of this fee.

Further, Article V, Service Fee, is hereby amended by the amendment of **Section 5.01**, Service Fee Schedule, Subsection (B), so that hereafter said subsection shall be and read as follows:

- B. Except as provided in Sections 5.02 and 5.03 below, a person who is required to obtain a permit shall pay a service fee of Fifty Dollars (\$50) for each false alarm notification after the five notifications described in 5.01(A) above.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed **Five Hundred and No/100 Dollars (\$500)** for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective April 1, 2003.

**PRESENTED AND GIVEN FIRST READING** on the **11th** day of **March, 2003**, at a regular meeting of the City Council of the City of Arlington, Texas; and **GIVEN SECOND READING**, passed and approved on the **18th** day of **March, 2003**, by a vote of **5** ayes and **3** nays at a regular meeting of the City Council of the City of **Arlington, Texas**.

Ordinance No. 05-104

An ordinance amending the "Alarm Systems" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article I, titled Definitions, by replacing the term "Alarm Business" with the term "Alarm Systems Company", and by the amendment of the definitions of "Alarm System" and "Conversion"; through the amendment of Article II, titled Permits, by the amendment of Section 2.02, Form of Application, Subsection (D)(4); Section 2.03, Permit Issue/Renewal/Denial, through the addition of Subsection (F); through the amendment of Article III, titled Proper Alarm System Operation, by the amendment of Section 3.02, Maintenance, Subsection (E), Section 3.08, Alarm Monitoring and Reporting, and Section 3.09, Alarm Business Records, relative to changing the reference to Alarm Systems Company; by the amendment of Section 3.10, Alarm Systems in Apartment Complexes; by the addition of Section 3.12, Duties of an Alarm Systems Company; through the amendment of Article V, titled Service Fee, by the amendment of Section 5.01, Service Fee Schedule; through the amendment of Article VI, titled Revocation of Alarm Permit, by the amendment of Section 6.01, Grounds, by the addition of Subsection (F); through the amendment of Article VIII, titled Violations, by the amendment of Section 8.01, Violations/Penalty; providing for a fine of up to \$500 for each offense in violation of the ordinance; providing this ordinance be cumulative; providing for severability; providing for governmental immunity; providing for injunctions; providing for publication and becoming effective ten days after first publication

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

That the "**Alarm Systems**" Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of Article I, Definitions, by the deletion of the definition of "Alarm Business", the amendment of the definitions of "Alarm System" and "Conversion", and the addition of the definition of "Alarm Systems Company" so that said definitions shall be and read as follows:

**"Alarm System"** means a device or system, including but not limited to, systems interconnected with a radio frequency method such as cellular or private radio signals, that emits, transmits or relays a remote or local audible, visual or electronic signal indicating an alarm condition and intended to summon, or that would reasonably be expected to summon police services of the City of Arlington. Alarm system does not include:

1. An alarm installed on a vehicle;
2. An alarm designed to alert only the inhabitants of a premise which does not emit a signal that is audible or visible only from the exterior of the structure; or
3. A Personal Emergency Response System as that term is defined by Section 781.001 of the Texas Health and Safety Code.

**"Alarm Systems Company"** means the business, whether by an individual, partnership, corporation, or other entity, of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, installing, or monitoring an alarm system.

**"Conversion"** means the transaction or process by which one Alarm Systems Company begins monitoring of an alarm system previously monitored by another Alarm Systems Company.

Further, Article II, Permits, **Section 2.02**, Subsection (D)(4), is hereby amended so that said subsection shall read as follows:

4. The name, business address, and business telephone number of the alarm systems company monitoring the alarm system, if applicable.



Further, Article II, **Section 2.03**, Permit Issue/Renewal/Denial, is hereby amended so that said section shall read as follows:

**Section 2.03 Permit Issue/Renewal/Denial**

Upon receipt of a completed application form, the Chief shall issue an alarm permit to an applicant unless the applicant:

- A. Failed to pay a service fee assessed under Section 5.01 below;
- B. Had an alarm permit for the alarm site revoked, and the violation causing the revocation has not been corrected;
- C. Made a false statement of a material matter in the application;
- D. Committed any act which, if committed by a permittee, would be grounds for the revocation of a license under Section 6.01 below;
- E. Is applying for a permit for an alarm system which has a history of unreliability, or is defective under Section 3.02(E). In such a case, the Chief may issue or renew the permit if applicant provides a statement from a licensed alarm systems company stating the alarm system functions properly; or
- F. Has had eight or more false alarms during the preceding 12-month period.

Further, Article III, Proper Alarm System Operation, **Section 3.02**, Subsection (E), is hereby amended so that said subsection shall read as follows:

- E. Operate the alarm system only if the system is functioning properly. If the alarm administrator determines that false alarm notification(s) are related to a defect or malfunction in the alarm system, the alarm administrator may require the permit holder or alarm user to produce a written report from a properly licensed alarm systems company which has inspected the alarm system stating the probable cause of false alarms and actions taken or recommendations for eliminating the false alarms. For purposes of false alarm notifications, it is presumed an alarm system is

defective if there are three (3) false alarm notifications within a thirty day period or five (5) false alarm notifications within a ninety day period. If there are five (5) false alarm notifications within a twelve month period, the permit holder shall have a properly licensed alarm systems company modify the alarm system to be more reliable and may attend alarm user awareness class.

Further, Article III, **Section 3.08**, Alarm Monitoring and Reporting, is hereby amended so that said subsection shall read as follows:

**Section 3.08 Alarm Monitoring and Reporting**

Only a person or business licensed by the Texas Board of Private Investigators and Private Security Agencies as provided by state law, may monitor and relay alarm notifications on behalf of a permit holder or alarm user. Before relaying an alarm notification, the Alarm Systems Company shall attempt to verify, by telephonic or other electronic means, every alarm signal. An Alarm Systems Company shall send notifications of alarms and cancellations of alarms to the City of Arlington in a manner and form determined by the City of Arlington, and shall relay current permit numbers for each alarm notification. An Alarm Systems Company may be assessed a service fee of twenty-five dollars (\$25) for each incorrect or incomplete permit number relayed to the City of Arlington. Any service fee assessed under the provisions of this section must be paid within thirty (30) days after receipt of notice of the assessment. If the assessed fees become ninety (90) days delinquent, a ten (10) percent late charge will be added.

Further, Article III, **Section 3.09**, Alarm Business Records, is hereby amended so that said subsection shall read as follows:

**Section 3.09 Alarm Business Records**

An Alarm Systems Company which monitors and reports alarm notifications to the City of Arlington must maintain designated records for a period of at least thirteen (13) months following the request for police dispatch to an alarm site. Records must include the name, address and telephone number of the alarm user, address of the alarm site, the alarm system zone(s) or point(s) activated, the time of request for police dispatch, and evidence that an attempt to

verify was made to the alarm site prior to the request for police dispatch, and if applicable, time of cancellation of police response. The Alarm Administrator may request copies of such records for individually named alarm users or permit holders.

Further, Article III, **Section 3.10, Alarm Systems in Apartment Complexes**, is hereby amended so that said section shall read as follows:

**Section 3.10 Alarm Systems in Multiunit Housing Facilities**

- A. The owner or property manager of a multiunit housing facility shall obtain a separate alarm permit for an alarm system operated in nonresidential areas of the multiunit housing facility.
- B. A service fee may not be imposed for the signaling of a false alarm on the premises of a multiunit housing facility for a facility other than an individual residential unit unless the permit holder is notified of:
  - 1. the date of the signaling of the false alarm;
  - 2. the address of the multiunit housing facility where the signaling of the false alarm occurred; and
  - 3. the identification of the individual facility, if applicable, located on the multiunit housing facility premises where the signaling of the false alarm occurred.
- C. The owner or property manager of a multiunit housing facility in which an alarm system is installed in one or more individual residential units shall disconnect the alarm system in any vacant residential unit or be responsible for payment of all service fees for any false alarm notification emitted from an alarm system in any vacant residential unit in the multiunit housing facility.

Further, Article III, is hereby amended by the addition of **Section 3.12, Duties of an Alarm Systems Company**, so that said section shall read as follows:

**Section 3.12 Duties of an Alarm Systems Company**

- A. On the installation or activation of an alarm system, an alarm systems company shall distribute to the occupant of the alarm system location information on:
  - 1. the applicable local and state law relating to false alarms, including the potential for penalties and revocation or suspension of a permit;
  - 2. how to prevent false alarms, and
  - 3. how to operate the alarm system.
  
- B. An alarm systems company shall notify the municipality in which the alarm system is located of an installation or activation of an alarm system not later than the 30<sup>th</sup> day after the date of installation or activation. The alarm systems company shall provide to the municipality:
  - 1. the alarm systems company name;
  - 2. the alarm systems company license number;
  - 3. the name of the occupant of the alarm system location;
  - 4. the address of the alarm system location; and
  - 5. the date of installation or activation.
  
- C. This section applies only to an alarm system installed or activated on or after January 1, 2006.

Further, Article V, Service Fee, Section 5.01, Service Fee Schedule, is hereby amended so that said section shall read as follows:

**Section 5.01     Service Fee Schedule**

- A. No service fee will be charged within any twelve (12) month period for the first three (3) false alarm notifications.
  
- B. Except as provided in Sections 5.02 and 5.03 below, a person who is required to obtain a permit shall pay:

1. A service fee of Fifty Dollars (\$50) each for the fourth and fifth false alarm notification in the preceding 12-month period;
2. A service fee of Seventy Five Dollars (\$75) each for the sixth and seventh false alarm notification in the preceding 12-month period; and
3. A service fee of One Hundred Dollars (\$100) each for the eighth or any additional false alarm notification in the preceding 12-month period.

Further, Article VI, Revocation of Alarm Permit, **Section 6.01, Grounds**, is hereby amended by the addition of Subsection (F), so that said section shall read as follows:

**Section 6.01 Grounds**

The Chief shall revoke an alarm permit upon determination that:

- A. There is a false statement of a material matter in the application for a permit;
- B. The permit holder has violated any provision of Article III above;
- C. The permit holder has failed to make timely payment of fees assessed under Section 5.01 above;
- D. The alarm system, due to mechanical malfunction or faulty equipment, has caused at least six (6) false alarm dispatch requests in a twelve (12) month period. For purposes of revocation of a permit, human error and acts of God do not constitute mechanical malfunction or faulty equipment;
- E. An alarm system was manually activated in violation of Section 3.01(B); or
- F. An alarm system has had eight or more false alarms during the preceding 12-month period.

Further, Article VIII, Violations, **Section 8.01, Violations/Penalty**, is hereby amended so that said section shall read as follows:

**Section 8.01    Violations/Penalty**

- A.    General.    A person commits an offense if he violates by commission or omission any provision of this Chapter of the Code of the City of Arlington that imposes upon him a duty or responsibility, regardless of the presence or absence of a culpable mental state.
  
- B.    Permittee.    A person who is required to have a permit under this Chapter commits an offense if he/she knowingly operates, causes or permits to be operated an alarm system without a current alarm permit issued by the Chief.    (Amend Ord 00-057, 5/9/00)
  
- C.    Non-Permittee.    A person who is not required to have a permit under this Chapter commits an offense if he knowingly operates, causes or permits to be operated an alarm system after receipt of notice that the alarm system lacks a current City permit.
  
- D.    Revoked Permit.    A person who is required to have a permit under this Chapter commits an offense if he knowingly operates, causes or permits to be operated an alarm system during the period in which the alarm permit is revoked.
  
- E.    Alarm Systems Company.    It is unlawful for An Alarm Systems Company or any owner, operator, manager, agent or employee thereof to allow or permit a violation of any of the duties imposed by Section 3.12 of this Chapter to occur.
  
- F.    Penalty.    A person who violates a provision of this Chapter is guilty of a separate offense for each violation committed, continued or permitted, and each offense is punishable by a fine of not more than Five Hundred and No/100 Dollars (\$500.00).

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed **Five Hundred and No/100 Dollars (\$500)** for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any

of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective ten days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the **25th** day of **October, 2005**, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the **8th** day of **November, 2005**, by a

vote of **9** ayes and **0** nays at a regular meeting of the City Council of the City of Arlington, Texas.

APPROVED AS TO FORM:  
JAY DOEGEY, City Attorney

BY           /s/ Asem Eltiar



Ordinance No. 14-029

**An ordinance amending the “Alarm Systems” Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article I, Definitions, by the addition of definitions for “100 Percent Disabled Veteran” and “Disabled Veteran”; Article II, Permits, Section 2.01, Permit Required, by the addition of an exemption for payment of the alarm permit fee for 100 Percent Disabled Veterans; providing for a fine of up to \$500 for each offense in violation of the ordinance; providing this ordinance be cumulative; providing for severability, governmental immunity, injunctions, publication and an effective date**

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

1.

That the “**Alarm Systems**” Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of **Article I, Definitions**, by the addition of the definitions for “100 Percent Disabled Veteran” and “Disabled Veteran” so that hereafter said definitions shall be and read as follows:

**“100 Percent Disabled Veteran”** means a Disabled Veteran, as defined in this Chapter, who receives from the United States Department of Veterans Affairs or its successor 100 percent disability compensation due to a service-connected disability and a rating of 100 percent disabled or of individual unemployability.

**“Disabled Veteran”** means a veteran of the armed services of the United States who is classified as disabled by the Veterans' Administration or its successor or the branch of the armed services in which the veteran served and whose disability is service-connected.

Further, **Article II, Permits, Section 2.01, Permit Required**, is hereby amended by the amendment of Subsection (D) so that hereafter said subsection shall be and read as follows:

D. The annual, nonrefundable fee for an alarm permit is Fifty Dollars (\$50). Persons sixty-five (65) years of age or older or persons that are 100 Percent Disabled Veterans are exempt from payment of this fee.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Five Hundred and No/100 Dollars (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

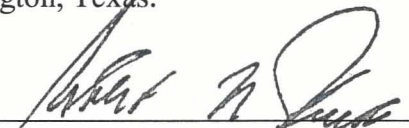
The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

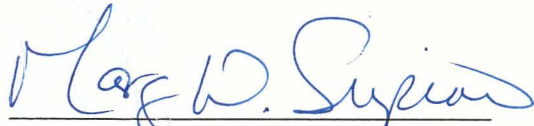
This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the 13<sup>th</sup> day of May, 2014, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 27<sup>th</sup>


day of May, 2014, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.

  
\_\_\_\_\_  
ROBERT N. CLUCK, Mayor

ATTEST:

  
\_\_\_\_\_  
MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:  
JAY DOEGEY, City Attorney

BY   
\_\_\_\_\_