

AN ORDINANCE

AMENDING THE CODE OF ORDINANCES CHAPTER 3 ½ ALARM SYSTEMS, BY REPEALING THE EXISTING CHAPTER AND ADOPTING A NEW CHAPTER 3 ½ ALARM SYSTEMS, PROVIDING FOR SEVERANCE; PROVIDING FOR PENALTIES; AND PROVIDING FOR PUBLICATION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS:

SECTION 1. Chapter 3 ½, Alarm Systems, of the Code of Ordinances is repealed.

SECTION 2. Chapter 3 ½, Alarm Systems, is adopted to read as follows:

“Chapter 3 ½ ALARM SYSTEMS

ARTICLE I. IN GENERAL

“Sec. 3 ½-1. Definitions.

"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 Corpus Christi. Alarm system does not include:

- (1) Fire alarm systems and other alarm systems that monitor temperature, humidity, medical, or any other condition not directly related to the detection of an unauthorized intrusion into a premises or an attempted robbery at a premises.
- (2) An alarm system installed upon the premises occupied by the United States Government or the State of Texas.
- (3) An alarm system installed on a motor vehicle.

"Alarm System 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.

"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.

"False Alarm Notification" means an alarm notification to the City of Corpus Christi 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 Corpus Christi receiving the alarm notification.

"Permit" means a certificate of authorization issued by the police department to the owner, agent, or person in control of the property which authorizes the operation of an alarm system or systems at an alarm site.

"Person" means an individual, corporation, partnership, association, organization or other legal 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.

"Service Fee" means the fee charged for responding to a false alarm as per the adopted fee schedule.

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

"Sec. 3 ½-2. Permit required; fees.

(a) The Corpus Christi Police Department will not respond to any alarm notification from an alarm site that does not have a valid permit, unless the alarm notification was a duress alarm, a hold-up alarm, a panic alarm, or reported to a 9-1-1 emergency telephone number by a person other than an alarm company.

(b) A person commits an offense if the person operates, or causes or allows to be operated, an alarm system on premises under the person's control or ownership or at its alarm site without a valid alarm permit issued by the Corpus Christi Police Department. The Corpus Christi Police Department and Corpus Christi Police Officers are authorized to enforce this provision, and to issue citations for violations.

(c) A separate permit is required for each alarm site and for each alarm unit. 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 Twenty Five Dollars (\$25) for Residential and Fifty Dollars (\$50) for Commercial.

(e) A permit is valid for one (1) year from the date of its issuance and may be renewed every year upon submission of a renewal invoice. It is the responsibility of the permit holder to submit a renewal invoice ten (10) days prior to the permit expiration date.

(f) All permit fees owed by an applicant must be paid before a permit may be issued or renewed. Unpaid permit fees may result in a revocation of the permit.

“Sec. 3 ½-3. Form of permit application.

(a) Application for permits required by the provisions of this ordinance shall be filed with the Chief of Police on a form designated by the City. The City will treat all information on the application as confidential. 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.

(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.

“Sec. 3 ½-4. Issuance of permit; renewal/denial.

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

1. Failed to pay a service fee assessed under Sec. 3 ½-6. below;
2. Had an alarm permit for the alarm site revoked, and the violation causing the revocation has not been corrected;
3. Made a false statement of a material matter in the application;
4. Committed any act which, if committed by a permittee, would be grounds for the revocation of a license under Sec. 3 ½-21. below; or

5. Is applying for a permit for an alarm system which has a history of unreliability, or is defective under Sec. 3 ½-9 (e). In such a case, the Chief of Police may issue or renew the permit if applicant provides a statement from a licensed alarm business stating the alarm system functions properly.

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

“Sec. 3 ½-5. Transfer and amendments.

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

“Sec. 3 ½-6. Service fee schedule for false alarms.

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

(b) No service fee will be charged within any twelve (12) month period for the first three (3) false alarm notifications.

(c) Except as provided in Secs. 3 ½-7. and 3 ½-22 below, a person who is required to obtain a permit shall pay a service fee for each false alarm notification within any twelve (12) month period as described in the following service fee schedule:

<u>False Alarms</u>	<u>Service Fee</u>
<u>First, second and third</u>	<u>Free</u>
<u>Fourth, and fifth,</u>	<u>\$50</u>
<u>Sixth, and seventh</u>	<u>\$75</u>
<u>Eighth, and subsequent</u>	<u>\$100</u>

“Sec. 3 ½-7. Service fee non-applicable.

A permit holder will not be assessed a service fee for a response to notification of the activation of an alarm system if the permit holder shows to the Chief of Police or designee that the activation was not a false alarm and any response by the police department to such notification of an alarm system will not be included in determining the service fee set out above. For the purposes of determining the service fee set out above, the burden shall be on the permit holder to prove that the activation of the alarm system was not a false alarm.

ARTICLE II.
ALARM SYSTEM OPERATION

“Sec. 3 ½-8. 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 Corpus Christi 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.

“Sec. 3 ½-9. 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 ten (10) 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 Chief of Police, or designee, determines that false alarm notification(s) are related to a defect or malfunction in the alarm system, the Chief of Police, or designee, 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.

“Sec. 3 ½-10. 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 twenty (20) minutes after being activated, a Corpus Christi police officer is authorized to disable the alarm. All costs to the City of Corpus Christi 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.

“Sec. 3 ½-11. 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 Corpus Christi unless mandated by federal law.

“Sec. 3 ½-12. 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.

“Sec. 3 ½-13. Alarm system and permit inspections.

Upon the determination of the Chief of Police, or designee, that an alarm system is malfunctioning and the permit holder or alarm user is not maintaining the alarm system in compliance with Secs. 3 ½-8. or 3 ½-9., the person in control of the alarm system shall allow the Chief of Police, or designee, 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 Police Department.

“Sec. 3 ½-14. Alarm system installations.

Only a permit holder, or at their 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 Corpus Christi. All permits shall be obtained for the alarm system upon installation.

“Sec. 3 ½-15. 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 Corpus Christi in a manner and form determined by the City of Corpus Christi, 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 Corpus Christi. 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. Non-payment of any service fee by an Alarm Business may result in suspension of alarm response to all alarms reported by the Alarm Business.

“Sec. 3 ½-16. Alarm business records.

An Alarm Business which monitors and reports alarm notifications to the City of Corpus Christi 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 Chief of Police, or designee, may request copies of such records for individually named alarm users or permit holders.

“Sec. 3 ½-17. 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.

“Sec. 3 ½-18. 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 Chief of Police, or designee, may require a conference with a permit holder. 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 and the Chief of Police, or designee, may revoke an alarm permit for failing to attend the conference.

“Sec. 3 ½-19. Information recorded.

The Corpus Christi Police Department shall record calls made in response to alarms, 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.

“Sec. 3 ½-20. Alarm classification.

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.

During periods of severe weather, such as thunderstorms and high winds, or periods of wide-spread power failure, the Corpus Christi Police Department may suspend response to intrusion alarms. During such times, no reported alarms will be entered as false alarms.

ARTICLE III.
REVOCAION OF ALARM PERMIT

“Sec. 3 ½-21. Revocation of permits.

(a) The Chief of Police will revoke an alarm permit upon a determination of any one of the following:

1. There is a false statement of a material matter in the application for a permit;
2. The permit holder has violated any provision of this Ordinance;
3. The permit holder has failed to make timely payment of fees assessed under Sec. 3 ½-6. above; or
4. An alarm system was manually activated in violation of Sec. 3 ½-8 (b).

(b) An alarm permit shall be automatically revoked if the alarm system has caused more than eight (8) false alarm dispatch requests during the preceding twelve (12) month period.

ARTICLE IV.
APPEALS

“Sec. 3 ½-22. Appeal from service fee; appeal of denial or revocation of a permit.

(a) Any permit holder aggrieved by the decision to assess a service fee by the Chief of Police or his designated representative as provided for in Sec. 3 ½-6, 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 the Chief of Police, or his designee, renders the decision. The filing of a request for an appeal hearing with the City Manager stays an action of the Chief of Police in assessing a service fee until the City Manager, or designee, makes a final decision. If a request for an appeal

hearing is not made within the ten-day period, the action of the Chief of Police, or designee, is final.

(b) If the Chief of Police refuses to issue or revokes a permit, the Chief of Police shall send to the applicant or permit holder by certified mail, return receipt requested, written notice of his action and a statement of the right to an appeal. The applicant or permit holder may appeal the decision of the Chief of Police, or designee, 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 from the Chief of Police, or designee. The filing of a request for an appeal hearing with the city manager, or designee, stays an action of the Chief of Police in revoking a permit until the City Manager, or designee, makes a final decision. If a request for an appeal hearing is not made within the ten-day period, the action of the Chief of Police is final.

(c) The City Manager, or designee, 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 his 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 action of the Chief of Police. The decision of the hearing officer is final as to administrative remedies with the city.

ARTICLE V. **VIOLATIONS**

“Sec. 3 1/2-23. Violations and penalty.

(a) A person commits an offense if the person violates by commission or omission any provision of this Chapter of the Code of the City of Corpus Christi that imposes upon them a duty or responsibility.

(b) A person who is required to have a permit under this Chapter commits an offense if the person knowingly operates, or causes or permits to be operated an alarm system without a current alarm permit issued by the Chief of Police.

(c) A person who is required to have a permit under this Chapter commits an offense if the person knowingly operates, or causes or permits to be operated an alarm system during the period in which the alarm permit is revoked.

(d) A person who violates a provision of this Chapter is guilty of a separate offense for each violation committed, or for each violation that continues from one day to the next, and each offense is punishable by a fine of not more than Five Hundred and No/100 Dollars (\$500.00).

“Sec. 3 1/2-24. 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 on behalf of the corporation, partnership or other association, and within the scope of their employment.”

Sec. 3 1/2-25. No Duty.

This Chapter 3 1/2 is enacted as an exercise of the city’s police power, and no fee or provision in it shall create any duty of the city or any of its officers or employees to any person, nor shall the city or any officer or employee be liable for any action or inaction associated with an alarm or any activity under this chapter.

* * * * *

SECTION 3. If for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

SECTION 4. Publication shall be made in the official publication of the City of Corpus Christi as required by the City Charter of the City of Corpus Christi.

SECTION 5. This ordinance goes into effect on August 1, 2006.

SECTION 6. Penalties are as provided in this chapter.

ATTEST:

CITY OF CORPUS CHRISTI

Armando Chapa
City Secretary

Henry Garrett
Mayor

Approved as to legal form _____.

By: _____
Joseph Harney
Assistant City Attorney
For City Attorney

City of Corpus Christi, Texas

That the foregoing ordinance was read for the first time and passed to its second reading on this the ____ day of _____, 2006, by the following vote:

Henry Garrett	_____	Rex A. Kinnison	_____
Brent Chesney	_____	John E. Marez	_____
Melody Cooper	_____	Jesse Noyola	_____
Jerry Garcia	_____	Mark Scott	_____
Bill Kelly	_____		

That the foregoing ordinance was read for the second time and passed finally on this the ____ day of _____, 2006, by the following vote:

Henry Garrett	_____	Rex A. Kinnison	_____
Brent Chesney	_____	John E. Marez	_____
Melody Cooper	_____	Jesse Noyola	_____
Jerry Garcia	_____	Mark Scott	_____
Bill Kelly	_____		

PASSED AND APPROVED this the ____ day of _____, 2006.