

ORDINANCE NO. 447

AN ORDINANCE OF THE CITY OF WEST ORANGE, TEXAS PROVIDING FOR ALARM SYSTEMS AND THEIR OPERATION; PROVIDING A PENALTY FOR EXCESS ALARMS; PROVIDING A PENALTY FOR VIOLATION OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST ORANGE, TEXAS, that

WHEREAS, in our security-conscious society, the City of West Orange, Texas is seeing an increase in the number of alarm systems installed in businesses, homes and on vehicles; and

WHEREAS, that although there are more alarm systems installed, they are generally less sophisticated and have a higher percentage of false alarms; and

WHEREAS, an alarm response requires a significant response of the City of West Orange's manpower; and

WHEREAS, the City of West Orange, Texas would like to deter the significant nuisances these false alarms present to the citizens of our city.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST ORANGE, TEXAS that the City of West Orange, Texas hereby adopts an alarm ordinance as hereinafter set out:

SECTION 1. DEFINITIONS

Alarm system – any device designed and manufactured for the detection of a fire, an unauthorized entry on premises or for alerting others of the commission of an unlawful act, and which, when actuated, transmits a signal or message remotely to an answering service or similar monitoring station or emits an audible signal as a general alert of the fire, unauthorized entry or unlawful act

Alarm user – any person, firm, corporation or other entity which owns, possesses or leases an alarm system

Excess or unauthorized signaling a fire – those alarms in excess of two (2) signaled from the same user's premises by the same alarm system within any calendar quarter, but not including:

- 1) Such alarms signaled within the first five (5) days after an original installation of said system of major component thereafter; and
- 2) Those alarms in which a fire has occurred

Excess or unauthorized signaling a burglary, or unauthorized entry – those alarms in excess of three (3) signaled from the same user's premises by the same alarm system within a calendar quarter, but not including:

- 1) Such alarms signaled within the first five (5) days after an original installation of said system or a major component thereof; and
- 2) Those alarms in which an unauthorized entry has been verified

The decision of the City of West Orange Police Department concerning whether an unauthorized entry has occurred will be final.

Excess alarms signaling a robbery or the commission of an unlawful act – those alarms in excess of two (2) signaled from the same user's premises by the same alarm system within any calendar quarter, but not including:

- 1) Such alarms signaled within the first five (5) days after an original installation of said system or major component thereof; and
- 2) Those alarms in which a robbery or attempted robbery has occurred

Person – any individual, partnership, corporation or other entity

Calendar quarter – any consecutive three (3)-month period

SECTION 2. PROHIBITIONS

- 1) It shall be unlawful for any person to intentionally or knowingly activate or cause to be activated any alarm system for the ultimate purpose of summoning fire or police except in the event of what is reasonably believed to be an unlawful act or an unauthorized entry on premises which the alarm system is designed to detect. Whenever an alarm system has been designed and commonly understood to alert others of the commission of a fire or particular crime, it shall be unlawful for anyone to activate such alarm system for the purpose of summoning fire or police except in the event of what is reasonably believed to be such particular crime or fire.
- 2) It shall be unlawful for any alarm business to use, operate, maintain or repair an alarm system which, upon activation, emits a sound similar to sirens in use on emergency vehicles or used by civil defense authorities for disaster alert purposes, after fifteen (15) days' notice to such business that such alarm system has been disapproved by the Chief of Police.
- 3) It shall be unlawful for an alarm user to become more than thirty (30) days delinquent in the payment of any service charges due and payable under the service charges section. Each day of such delinquency shall constitute a separate offense.
- 4) It shall be unlawful for an person owning, possessing or operating an audible alarm system, which when actuated, sounds a bell, whistle, siren, horn or other similar sound, to permit or allow said alarm to emit such sound for a period in excess of twenty (20) continuous minutes or to intentionally cause such bell, whistle, siren, horn or other sound to be activated for testing purposes after 10:00 p.m.

SECTION 3. SERVICE CHARGES FOR EXCESS ALARMS

Excess Alarm Signaling a Burglary

4 th alarm	\$ 50.00
5 th alarm	\$ 60.00
6 th alarm	\$ 70.00
7 th alarm	\$ 80.00
8 th alarm	\$ 90.00
9 th alarm	\$100.00
10 th alarm	\$110.00
11 th alarm or more	\$120.00

Excess Alarm Signaling a Robbery

4 th alarm	\$ 50.00
5 th alarm	\$ 60.00
6 th alarm	\$ 70.00
7 th alarm	\$ 80.00
8 th alarm	\$ 90.00
9 th alarm	\$100.00
10 th alarm	\$110.00
11 th alarm or more	\$120.00

Excess Alarm Signaling a Fire

4 th alarm	\$ 50.00
5 th alarm	\$ 60.00
6 th alarm	\$ 70.00
7 th alarm	\$ 80.00
8 th alarm	\$ 90.00
9 th alarm	\$100.00
10 th alarm	\$110.00
11 th alarm or more	\$120.00

SECTION 4. PENALTY FOR NON-COMPLIANCE

Any person, either by himself or agent, and any firm, corporation or other entity who violates any of the provisions of this ordinance shall be deemed guilty of a misdemeanor; and upon conviction

of any such violation, shall be fined in any sum not to exceed two-hundred dollars (\$200), in addition to any other provisions or fees assessed by this section. Each day an offense occurs under any provisions of this section shall be considered a separate offense.

SECTION 5. SEVERABILITY CLAUSE

In the event that any section or subsection, clause, sentence or paragraph of this ordinance shall be found to be illegal, invalid or void, then such findings shall not affect the remaining portions of this ordinance, but the same shall be valid, it being the express intention of the City Council of the City of West Orange, Texas to pass each and every sentence, clause, paragraph and section separately, severally and individually.

SECTION 6. EFFECTIVE DATE


This ordinance becomes effective upon its passage and approval.

PASSED AND APPROVED this 1st day of July, 2019.



Roy McDonald, Mayor

ATTEST:



Theresa Van Meter, City Secretary

APPROVED:



Rex Peveto, City Attorney

