

## **ORDINANCE NO. 2001-O0087**

AN ORDINANCE AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES, CITY OF LUBBOCK, TEXAS, ENTITLED "LICENSES AND BUSINESS REGULATIONS," BY ADDING ARTICLE XII, PROVIDING DEFINITIONS; REQUIRING A PERMIT OF BURGLARY AND ROBBERY ALARM SYSTEM USERS IN CERTAIN CIRCUMSTANCES; PROVIDING FOR A PENALTY; ESTABLISHING A PROCEDURE FOR THE ISSUANCE AND REVOCATION OF SUCH PERMITS AND APPEALS FROM DENIAL OR REVOCATION; PROVIDING SERVICE FEES FOR FALSE ALARM NOTIFICATIONS; PROVIDING EXEMPTIONS; PROHIBITING CERTAIN INTER-CONNECTIONS AND AUTOMATIC DIALING PRACTICES; REGULATING BURGLARY AND ROBBERY ALARM TESTING, MAINTENANCE, USE, OPERATION, AND REPORTING; REQUIRING PERMIT HOLDERS TO TRAIN USERS IN THE PROPER USE AND OPERATION OF ALARM SYSTEMS; PROVIDING STANDARDS FOR BURGLARY AND ROBBERY ALARM PROTECTIVE SERVICES AND BURGLARY AND ROBBERY ALARM SYSTEM OPERATION; PROVIDING FOR ALARM DISPATCH RECORDS; PROVIDING FOR CONFIDENTIALITY OF INFORMATION; PROVIDING FOR AUTHORITY TO FILE SUIT TO ENJOIN VIOLATION; PROVIDING A SEVERABILITY AND SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Lubbock, Texas, through extensive study and analysis, has found that an increasing number of businesses and homes are installing and utilizing electronic burglary and robbery alarm systems, some of which include automatic dialing systems; and

WHEREAS, such alarm systems, while providing a desirable degree of protection from said crimes, are subject to signaling false alarm notifications because of storms, electrical malfunctions, non-emergency activations, user error and other causes; and

WHEREAS, the increasing number of both alarm systems and false alarm notifications created by these systems have unreasonably burdened emergency service response capabilities of the City of Lubbock by necessitating the dispatch of personnel and vehicles for non-emergency situations, resulting in substantial expenditures of City funds and personnel; and

WHEREAS, the City Council finds that such unreimbursed expenditures of personnel and funds impede the ability of the police department of the City to provide protection in true emergencies, making fees desirable to reimburse the City for responses to false alarm notifications in some circumstances; and

WHEREAS, the City Council finds that certain records are necessary in order to avoid unnecessary expenditures of personnel and funds in locating the persons in control of premises when the police department responds to alarm notifications; and

WHEREAS, alarm-control ordinances are effective in reducing the costs incurred by cities for responding to alarm notices; and

WHEREAS, in permitting free false alarm responses by the police department and in setting false alarm fees based upon the type and level of emergency response and the actual expense incurred, the City must administer the ordinance on a fair and equitable basis; and

WHEREAS, for the foregoing reasons and in order to protect the health and safety of the general public and the citizens of Lubbock, the City Council finds it necessary to adopt a burglary and robbery alarm ordinance designed to regulate, control, and monitor the number of false burglary and robbery alarms generated by alarm system users within the limits of the City of Lubbock; NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

SECTION 1. That Chapter 14 of the Code of Ordinances for the City of Lubbock, entitled "Licenses and Business Regulations," be amended by adding thereto an Article XII, said Article XII to read as follows:

## **ARTICLE XII. FALSE ALARMS**

Section 14-300. Purpose and Intent.

It is the purpose and intent of this article to protect the emergency services of the City of Lubbock Police Department from misuse and to defray the costs of administering this ordinance through permit and service fees, to encourage the improvement in reliability of burglary and robbery alarm systems and devices, to ensure that police personnel shall not be diverted from responding to real criminal activity as a result of responding to false burglary or robbery alarms, to reduce the number of false alarms and the amount of police time and resources expended in responding to false alarms, and to ensure that a responsible person is accessible within a reasonable amount of time to take custody of the site of a burglary or robbery alarm, and to provide certain minimum standards, safeguards, and regulations for burglary or robbery alarms.

SECTION 14-301. Definitions.

The following words or phrases, whenever used in this article, shall be construed as defined in this section unless in context it appears that a different meaning is intended:

- “alarm site”** a single premises or street address served by one or more alarm systems. Each tenant unit in a multi-unit structure or complex shall be considered a separate alarm site if served by a separate alarm system.
- “alarm system”** any assembly of mechanical or electrical equipment installed and maintained for the purpose of signaling the police department of a burglary or a robbery occurring or about to occur at the alarm site, including equipment which signals the department through a third-party central alarm station.
- "automatic dialing device"** any device connected to an alarm system which automatically sends a prerecorded message or code signal over telephone lines, indicating the activation of the alarm system to a predetermined location.
- "bona fide medical emergency"** circumstances of an individual which require medical attention or treatment administered to the individual by qualified personnel.

- "burglary"** the acts described in Texas Penal Code § 30.02.
- "chief of police"** the head of the police department of the City of Lubbock or his authorized agent.
- "common cause"** a technical difficulty or malfunction which causes an alarm system to emit or report more than one false alarm intermittently.
- "false alarm notification"** the activation of an alarm system that results in notification to the police department when the responding officer, on reasonable investigation, finds no evidence of unauthorized intrusion, attempted unauthorized intrusion, robbery, or attempted robbery
- "permit"** a certificate of authorization to operate an alarm system, issued by the police department to the owner or person in control of the premises where a permitted alarm system is located.
- "permit holder"** any individual, partnership, corporation, or other legal entity to whom an alarm system permit is issued.
- "person"** an individual, partnership, corporation, or other legal entity.
- "police department"** the police department of the City of Lubbock, Texas, or any authorized agent of such department.
- "responds"** the act of sending a police officer to an alarm site after the police department receives a report of an alarm at such alarm site.
- "robbery"** the acts described in Texas Penal Code §§ 29.02 and 29.03.

#### Section 14-302. Coverage.

This article shall apply only to burglary and robbery alarm systems installed and maintained on residential, non-residential, or commercial sites.

#### Section 14-303. Permit Required.

- (A) No person who is in control of an alarm site shall be required to obtain a permit for an alarm system unless the police department responds to at least three (3) false burglary alarm notifications or one (1) false robbery alarm notification at such alarm site.
- (B) After the police department responds to either three (3) false burglary alarm notifications or one (1) false robbery alarm notification at an alarm site, it shall be unlawful for any person who is in control of such alarm site to operate, cause to be operated, or allow the operation of an alarm system at such location for more than ten (10) days without obtaining and maintaining in effect a permit issued by authority of the Chief of Police under this article.
- (C) A separate permit shall be required for each alarm site or premises for which three (3) false burglary alarm notifications or one (1) false robbery alarm notification have occurred. Each permit shall entitle the holder to operate one or more alarm systems (as described on the application for permit) at the alarm site specified on the permit. Permits may not be transferred to any other premises or location.
- (D) This article shall apply to existing alarm systems as well as to alarm systems installed after the effective date of this article.
- (E) Applications for renewal of permits issued under this article must be made not later than ten (10) days prior to the expiration date of the permit
- (F) Any person who operates an alarm system in violation of this section shall be subject to a fine of not less than TWO HUNDRED DOLLARS (\$200.00) and not more than FIVE HUNDRED DOLLARS (\$500.00). Each day of such operation shall constitute a separate violation.

Section 14-304. Reserved.

Section 14-305. Permit Application.

- (A) Any person, association, firm, business, partnership, or corporation required to obtain an alarm permit shall file a fully completed application therefore with the police department, which shall conduct an investigation for each application as deemed appropriate by the Chief of Police.
- (B) Under this article, the Chief of Police may set a nonrefundable fee to be charged for the processing of an application and issuance of an alarm system permit. The fee shall not exceed FIFTY DOLLARS (\$50.00) per year and shall be nonrefundable whether or not a permit is issued.
- (C) Each permit shall be effective on the date issued and shall remain in effect for one (1) year from the date issued unless revoked pursuant to provisions of this article. The Chief of Police shall notify each permit holder that his permit must be renewed at least forty-five (45) days prior to its date of expiration by mailing

a written notice to each such permit holder at the address listed on the permit application.

- (D) If the applicant is an individual, the application shall be signed and verified by the applicant. If the applicant is a partnership, the application shall be signed and verified by at least one of its general partners. If the application is a corporation or other entity, the application shall be signed and verified by the president of such corporation or entity or other agent authorized to sign on behalf of the corporation.
- (E) The applicant shall be responsible for: (i) the proper maintenance and operation of the alarm system; (ii) payment of the fees assessed under this article; and (iii) responding within a reasonable time, in person or by agent, to the alarm site, if requested by, and upon receiving notification from the police department in response to an alarm system activation. Thirty (30) minutes after receiving said police department notification shall be deemed a reasonable time period for responding to the alarm site.
- (F) An alarm permit under this article cannot be transferred to another person or entity.
- (G) The applicant shall verify that the information contained in the application is true and correct, and that the applicant has read the provisions of this article, fully understands the provisions thereof, and is and shall remain in compliance therewith.
- (H) The permit application shall include:
  - (1) The applicant's full legal name, including any and all other name(s) by which the applicant has been known;
  - (2) If the applicant is a corporation, the exact corporate name, state of incorporation, and the name of its Chief Executive Officer;
  - (3) The current residence address and telephone number of the applicant;
  - (4) A telephone number at the site of the alarm system;
  - (5) The address and legal description of the parcel of land on which the alarm system is located, and any business name or title used for the alarm site;
  - (6) Written proof that the applicant is at least seventeen (17) years of age;
  - (7) The name, address, and telephone number of the individual or business monitoring the alarm system;
  - (8) The name, address, and telephone number of at least one person who the applicant has designated to respond to the alarm site on notification from the police department in response to an alarm system activation; and
  - (9) Such additional information as determined by the Chief of Police as necessary or desirable to accomplish the purpose and intent of this article.
- (I) The permit holder shall not be required to pay a permit fee for renewal of a permit if the premises for which the permit is applicable have not had a false alarm notification during the preceding twelve (12) months.

Section 14-306. Issuance or Denial of Permit.

- (A) The Chief of Police shall conduct an investigation relating to the permit application. Based on such investigation, the Chief of Police shall approve or deny a permit.
- (B) Within forty-five (45) days after receipt of the application for permit, the Chief of Police shall inform the applicant by certified mail, return receipt requested, as to the approval or denial of said permit.
- (C) A temporary permit may be issued upon application, but such temporary permit shall expire on the date the permit applied for is either approved or denied.

Section 14-307. Grounds for Denial of Permit.

- (A) The Chief of Police shall issue a permit to the applicant unless one (1) or more of the following conditions exists:
  - (1) The applicant fails to provide all of the information requested on the application or otherwise submits an incomplete application;
  - (2) The applicant gives false, misleading, or untruthful information of material fact on the application;
  - (3) The operation, as proposed by the applicant, if permitted, would not comply with all applicable laws, including, but not limited to, this article or the City building, zoning, or health regulations;
  - (4) The applicant, whether he or she be an individual, a corporate agent, an officer or director, a partner, a manager, or any persons principally in charge of the premises where the alarm system is located, is not seventeen (17) years of age or older;
  - (5) The alarm system has a history of unreliability and the applicant has failed to make alterations or corrections to the system that reasonably assure abatement of false alarms. Any alarm system generating either ten (10) false burglary alarm notifications or five (5) false robbery alarm notifications within a twelve (12) consecutive month period shall be presumed unreliable;
  - (6) The applicant has failed to pay a fee assessed pursuant to this article that has become due; or
  - (7) The application or the site of the alarm system does not meet all of the other requirements of this article.
- (B) Denial of an alarm system permit shall be effected by written notice thereof, setting forth the grounds therefore, to the applicant, sent certified mail, return receipt requested, at the direction of the Chief of Police.

Section 14-308. Grounds for Revocation of Permit.

- (A) The Chief of Police shall have the authority to revoke a permit issued under this article when:
- (1) The permit holder or his/her designated agent has entered or given false, misleading, or untruthful information of material fact in any record or report required by this article;
  - (2) The permit holder fails to pay any assessed false alarm service fees within thirty (30) days from the date they first become due and payable;
  - (3) The permit holder or his/her designated agent fails to arrive at the alarm site within a reasonable time, usually not to exceed thirty (30) minutes after said individual has been notified by the police department that the permit holder's alarm system is transmitting an alarm signal;
  - (4) The permit holder fails to maintain the alarm system or alarm site in accordance with this article; or
  - (5) The operation of the alarm system by the permit holder has accrued a demonstrated history of unreliability.
- (B) Permits revoked under this article shall become invalid on thirty (30) days written notice of termination mailed by the police department to the permit holder.

#### Section 14-309. Appeal.

The permit holder whose application for a permit has been denied, or whose permit has been revoked, shall have the right of appeal to the Permit and License Appeal Board of the City. The notice of appeal must be in writing, setting forth specifically the exact grounds for the appeal, and filed in the office of the City Secretary within ten (10) days of the mailing by the Chief of Police of the notice of denial or revocation of the permit to the permit holder as required by this article. The filing of the notice of appeal stays the denial or revocation of a permit until the Permit and License Appeal Board issues a decision on the appeal. The decision of the Permit and License Appeal Board is final.

#### Section 14-310. False Alarm Notifications; Service Fee.

- (A) After the police department responds to five (5) false burglary alarm notifications from one alarm site within any consecutive twelve (12) month period, the permit holder shall be assessed by the Chief of Police a fee in the amount of FIFTY DOLLARS (\$50.00) for each additional false burglary alarm notification responded to by the police department thereafter.



- (B) After the Police Department responds to ten (10) false burglary alarm notifications from one alarm site within any consecutive twelve (12) month period, the Chief of Police may, in addition to the assessment of fees as provided for in this article, revoke the alarm permit on grounds that the alarm system has a demonstrated history of unreliability.
- (C) After the Police Department responds to two (2) false robbery alarm notifications from one alarm site within any consecutive twelve (12) month period, the permit holder shall be assessed by the Chief of Police a fee in the amount of ONE HUNDRED DOLLARS (\$100.00) for each additional false robbery alarm notification responded to by the police department thereafter.
- (D) After the Police Department responds to five (5) false robbery alarm notifications from one alarm site within any twelve consecutive (12) month period, the Chief of Police may, in addition to the assessment of fees as provided for in this article, revoke the alarm permit on grounds that the alarm system has a demonstrated history of unreliability.
- (E) An applicant shall pay any and all fees assessed under this article before an alarm system permit may be issued or reinstated, if previously revoked. A reinstatement fee of FIFTY DOLLARS (\$50.00) will be assessed on reinstatement of a previously revoked permit.
- (F) False alarm notifications resulting from a common cause shall be counted as a single false alarm if the false alarm notifications occur within a seventy-two (72) consecutive hour period, action is taken to rectify the common cause, such action is documented to the police department, and is followed by thirty (30) consecutive days from the last false alarm notification without another false alarm notification resulting from that documented cause.
- (G) The Chief of Police may notify the permit holder by certified mail, return receipt requested, that such permit holder has accumulated a sufficient number of false alarm notifications at an alarm site within a consecutive twelve (12) month period, to subject his permit to revocation and, in addition, may give notice of the revocation of the alarm system permit.

#### Section 14-311. Relief from Service Fee.

- (A) If an alarm usage course approved by the Chief of Police is available, the Chief of Police may establish rules for the acceptance of documentation that the permit holder has had users of the alarm system successfully complete training in proper alarm usage in lieu of all, or a portion of, the penalty or service fees provided for in this article.
- (B) The permit holder may seek relief under this section only once in any consecutive twelve (12) month period. This relief is only available to permit holders whose permit is valid at the time the penalty or fees are incurred.

#### Section 14-312. Exemptions.

The following are specifically exempt from the application and enforcement of all provisions of this article:

- (A) An alarm system installed on a vehicle, unless such vehicle is used for a habitation at a permanent site.
- (B) Other types of alarm systems which are not intended to transmit or relay a signal designed to summon the police department to respond to a burglary or robbery, including but not limited to fire alarms, alarm systems installed and used for bona fide medical emergencies, and alarm systems that monitor temperature, humidity, or any other condition not directly related to the detection of a burglary or a robbery on the premises.
- (C) Alarm systems installed on the interior of a structure for the sole purpose and function of alerting only the occupants of the premises where the alarm system is installed, but only if such alarm notification cannot be heard outside the structure where the alarm system is installed.
- (D) Alarm systems installed upon premises occupied by local, state, or federal government authorities, or any of their bona fide agencies.
- (E) False alarm notifications caused by: vandalism, severe weather that causes physical damage to the alarm site or activates the alarm, telephone line outage, attempted unauthorized entry onto the premises, or a natural or man-made catastrophe.
- (F) False alarm notifications due to a chronic electrical or mechanical problem which the permit holder is working diligently to correct, if such permit holder provides the Chief of Police with a written statement from the company which installed the alarm system indicating the nature of the problem, what efforts are being made to correct the problem, and when the company anticipates the problem being resolved.

Section 14-313. Automatic Dialing Devices.

No person shall operate or cause to be operated any automatic dialing device which, when activated, uses a telephone device or attachment to automatically select a telephone line leading into the police department or other office of the City of Lubbock and then transmits any prerecorded message or signal.

Section 14-314. Alarm Testing; Shut-Off; Signal.

- (A) No alarm system permitted and regulated by this article shall be tested by activating the alarm notification function, without the permit holder or his agent first notifying the security services contractor monitoring a third-party central alarm station or police department before such testing.
- (B) All alarm systems permitted and regulated by this article shall be designed and function so as to shut off any alarm notification signals after twenty (20) consecutive minutes of transmitting. All such systems shall be designed and function to require that such systems be manually reset before transmitting any subsequent alarm notification signal.

Section 14-315. Alarm System Maintenance.

The permit holder, individually or through his employee, agent, or designee, shall:

- (A) adjust the sensory mechanism of each alarm system to suppress false indication of force so that the alarm system will not be activated due to:
  - (1) flashes of light;
  - (2) vibrations of doors or windows caused by a person using no more apparent force than to determine if the door or window is unlocked;
  - (3) vehicular noise adjacent to the installation;
  - (4) transient pressure changes in water pipes; or
  - (5) other forces unrelated to actual emergencies; and
- (B) maintain premises containing an alarm system in a manner that ensures proper operation of the alarm system;
- (C) maintain the alarm system in a manner that shall eliminate false alarm notifications;
- (D) train all persons who may activate the alarm system in the proper use and operation of the alarm system; and
- (E) maintain at each alarm site a complete set of written operating instructions for each alarm system with the exception of special codes, combinations, or passwords.

Section 14-316. Improper Use.

Use of an alarm system permitted and regulated by this article in a manner or for purposes other than to report a burglary or a robbery shall constitute a false alarm notification.

Section 14-317. Alternate Power Supply.

A permit holder shall provide and maintain in adequate operation, if feasible, a back up battery or generator power supply for each alarm system located at the alarm site. Such alternate power supply shall prevent said alarm system from transmitting an alarm notification signal in the event of a power decrease or loss of power to said alarm site.

Section 14-318. Applicability of Other Laws.

All other City Ordinances pertaining to any regulated use remain in full force and effect, and the provisions of this article are in addition to said provisions and ordinances.

Section 14-319. Indirect Alarm Notification Reporting.

Any person or entity engaged in the business of relaying alarm notifications to the City or police department must do so in compliance with all laws, including V.T.C.A., Occupations Code §§ 1702.001 et. seq. (Private Investigators and Private Security Agencies Act) and shall report alarm notifications in a manner and form as may be required by the Chief of Police.

Section 14-320. Alarm Dispatch Records.

- (A) Upon receiving an alarm notification of a burglary or robbery, the police department may record such information as the Chief of Police or his designee deems necessary or desirable, which should include the following:
- (1) verification of the permit and identification of the permit holder;
  - (2) identification of the alarm site;
  - (3) the time dispatch is received and officer arrival time;

- (4) the date;
  - (5) weather conditions, if applicable;
  - (6) the name of permit holder's representative on premises, if any; and
  - (7) the response time of the representative to the alarm site after notification by the police department.
- (B) The responding police officer should indicate on the dispatch record the apparent cause of the alarm notification, as determined from an inspection of the interior or exterior of the premises.

Section 14-321. Information Confidential.

Information contained in records maintained by the City pursuant to this Article and that concerns the location of an alarm system, the name of the occupant of an alarm system site, or the type of alarm system used is confidential and may be disclosed only as permitted by law.

Section 14-322. Relayed Alarm Notifications.

A permit holder shall not report his alarm notifications through a relaying intermediary that does not meet the requirements of this article.

Section 14-323. Standards for Alarm Protective Services.

The Chief of Police may set reasonable standards and procedures, to be followed by any alarm protective service, for giving notice to the police department of the activation of an alarm system notification. Such standards and procedures shall be set out in writing and made available to the public for inspection during normal business hours.

Section 14-324. Duplication of Permit.

It shall be unlawful for any person to counterfeit, forge, change, deface, or in any manner alter a permit issued pursuant to this article.

Section 14-325. Notices.

All notices required hereunder shall be in writing and shall be deemed delivered three (3) days after deposited in a United States post office receptacle.

Section 14-326. Authority to File Suit.

In addition to any criminal penalties herein described, the City Attorney is hereby authorized to file suit to enjoin the violation of any provision of this article.

SECTION 2. THAT if any provision, section, subsection, sentence, clause or phrase of this article, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this article or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this article that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness, or invalidity of any other portion hereof, and all provisions of this article are declared to be severable for that purpose.

SECTION 3. THAT the City Secretary is hereby authorized to cause publication of the descriptive caption of this Ordinance as an alternative method provided by law.

SECTION 4. THAT this Ordinance adopted hereby shall become effective ten (10) days after publication as required under the City of Lubbock Charter, Chapter 1, Article IX, Section 18.

AND IT IS SO ORDERED.

Passed by City Council on first reading this 25th day of October, 2001.

Passed by City Council on second reading this 8th day of November, 2001.

**ORDINANCE NO. 2003-O0015**

AMENDMENTS TO ORDINANCE NO. 2001-00087

AN ORDINANCE AMENDING CHAPTER 14, ARTICLE XII OF THE CITY OF LUBBOCK CODE OF ORDINANCES, ENTITLED "FALSE ALARMS," BY EXPANDING THE SCOPE OF ARTICLE XII TO INCLUDE DURESS ALARMS AND PANIC ALARMS; LIMITING THE TIME PERIOD IN WHICH A PERSON SHALL BE REQUIRED TO OBTAIN A PERMIT AS A RESULT OF FALSE ALARM NOTIFICATIONS; REQUIRING AN APPLICANT FOR AN ALARM PERMIT TO VERIFY HIS IDENTITY; PROVIDING A MORE EFFICIENT AND LESS RESTRICTIVE MEANS OF NOTIFYING AN APPLICANT FOR A PERMIT THAT SUCH PERMIT HAS BEEN APPROVED; AND CLARIFYING THE REQUIREMENTS FOR REINSTATEMENT OF A PERMIT BY THE CHIEF OF POLICE AND THE AFFECT REINSTATEMENT HAS UPON HOW SERVICE FEES ARE CALCULATED.

WHEREAS, in November 2001 the City Council of the City of Lubbock, Texas, passed Ordinance No. 2001-00087, which was designed to regulate, control, and monitor the number of false burglary and robbery alarms generated by alarm system users within the limits of the City of Lubbock and reduce or help to offset the costs incurred by the City in responding to such alarms; and

WHEREAS, Ordinance No. 2001-00087 has been effective in reducing the number of false alarm occurring within the City and the burden upon the Lubbock Police Department to respond to such alarms; and

WHEREAS, the Council now desires to amend such Ordinance in order to clarify some of its provisions, administer those provisions more efficiently, and more closely accomplish the intended purpose of the Ordinance; NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

SECTION 1. THAT Section 14-301 of the Code be and is hereby amended by adding the following definitions thereto:

***Duress alarm .*** an alarm notification designed to summon the police department to an incident of illegal restraint, imprisonment, use or threatened use of force, or other circumstances which result in control or manipulation by illegal action.

***Panic alarm.*** an alarm notification designed to summon the police department to an incident of civil or domestic disturbance or breach of the peace.

SECTION 2. THAT Section 14-301 of the Code be and is hereby further amended by amending the definition of “false alarm notification” to read as follows:

***False alarm notification.*** the activation of an alarm system that results in notification to the police department when the responding officer, on reasonable investigation, finds no evidence of unauthorized intrusion, attempted unauthorized intrusion, robbery, attempted robbery, duress or panic.

SECTION 3. THAT Section 14-302 of the Code be and is hereby amended to read as follows:

- (a) This article shall apply only to burglary and robbery alarm systems installed and maintained on residential, non-residential, or commercial sites.
- (b) For purposes of this article, all alarm activations reported to the police department at a residential alarm site as panic alarms or duress alarms will be classified as burglary alarm notifications. All alarm activations reported to the police department at a non-residential or commercial alarm site as duress alarms or panic alarms will be classified as robbery alarm notifications.
- (c) Nothing contained in this article shall be construed to require the police department to respond to any alarm site upon notification of an alarm.



SECTION 4. THAT Section 14-303(a) through (c) of the Code are hereby amended to read as follows:

- (a) No person who is in control of an alarm site shall be required to obtain a permit for an alarm system unless the police department responds to at least three (3) false burglary alarm notifications or one (1) false robbery alarm notification at such alarm site within any calendar year.
- (b) After the police department responds to either three (3) false burglary alarm notifications or one (1) false robbery alarm notification at an alarm site within any calendar year, it shall be unlawful for any person who is in control of such alarm site to operate, cause to be operated, or allow the operation of an alarm system at such location for more than ten (10) days without obtaining and maintaining in effect a permit issued by authority of the Chief of Police under this article.
- (c) A separate permit shall be required for each alarm site or premises for which three (3) false burglary alarm notifications or one (1) false robbery alarm notifications have occurred within any calendar year. Each permit shall entitle the holder to operate one or more alarm systems (as described on the application for permit) at the alarm site specified on the permit. Permits may not be transferred to any other premises or location.

SECTION 5. THAT Section 14-305(d) of the Code is hereby amended to read as follows:

- (d) If the applicant is an individual, the application shall be signed and verified by the applicant. If the applicant is a partnership, the application shall be signed and verified by at least one of its general partners. If the applicant is a corporation or other entity, the application shall be signed and verified by the president of such corporation or entity or other agent authorized to sign on behalf of the corporation. The person who submits the application to the police department shall provide verification of his or her full legal name at the time of submitting the application. If the person submitting the application is an agent, evidence that such person is authorized to act on behalf of an individual, partnership, or corporation must also be provided.

SECTION 6. THAT Section 14-306(b) of the Code is hereby amended to read as follows:

- (b) Within forty-five (45) days after receipt of an application for a permit, the Chief of Police shall inform the applicant by certified mail, return receipt requested, if the permit application has been denied, but may inform the applicant verbally or by other means if such application has been approved.

SECTION 7. THAT Section 14-310 of the Code is hereby amended by adding the following provisions at the end of subsection (d) of that Section, to wit:

The Chief of Police may subsequently reinstate a permit if the person whose permit was revoked provides assurances and satisfactory evidence that the problems which led to the revocation have been corrected and are unlikely to reoccur. Upon reinstatement of a permit by the Chief of Police, any prior false alarm notifications shall no longer be considered in determining whether a service fee shall be assessed under this section.

SECTION 8. THAT if any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the Ordinance which it amends, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of either such Ordinance shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness, or invalidity of any other portion hereof, and all provisions of both such Ordinances are declared to be severable for that purpose.

SECTION 9. THAT the City Secretary is hereby authorized to cause publication of the descriptive caption of this Ordinance as an alternative method provided by law.

AND IT IS SO ORDERED.

Passed by City Council on first reading this 23rd day of January, 2003.

Passed by City Council on second reading this 13th day of February, 2003.