

ORDINANCE NO. 3128

AN ORDINANCE AMENDING AND REPLACING
ORDINANCE NO. 306 REGULATING ALARMS TO SUMMONS
POLICE SERVICE IN THE CITY OF LUFKIN: ESTABLISHING A
SERVICE CHARGE FOR EXCESSIVE FALSE ALARMS;
PROVIDING FOR AN EFFECTIVE DATE.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
LUFKIN, TEXAS:

That the Ordinance No. 360 regulating Alarms to summons police service in the City
of Lufkin, Texas, to be amended and replaced by this ordinance and alarms are
hereafter regulated as follows:

ARTICLE 1. EMERGENCY REPORTING EQUIPMENT AND PROCEDURES

SECTION 1. DEFINITIONS:

For the purpose of this article the following terms, phrases, words and their
derivations shall have the respective meanings given herein.

ALARM SYSTEMS means a device or system that emits, transmits or relays a signal
intended to summon, or that would reasonably be expected to summon, police
services of the City, including, but not limited to, local calls. Alarm system does not
include:

- 1) An alarm installed on a vehicle unless the vehicle is permanently located
at a site, nor,
- 2) An alarm designed to alert only the inhabitants of the premises.

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. No type of alarm
is allowed to automatically dial the Police Department, Fire Department, or 911.

ALARM SITE means a single premise or location (one street address) served by an
alarm system or systems that are under the control of one owner.

PERSON IN CHARGE OF THE ALARM - The person responsible for the proper
maintenance and operation of the alarm system and the payment of fees assessed
under this chapter.

CHIEF means the Chief of Police of the City of Lufkin, Texas, or his authorized
representative.

FALSE ALARM NOTIFICATION means an alarm notification to the Police
Department: When the responding officer or a subsequent investigation finds no
evidence of unauthorized intrusion, attempted unauthorized intrusion, robbery,
attempted robbery or an attempt to take a person hostage.

LOCAL ALARM means an alarm system that emits a signal at an alarm site that is
audible or visible from the exterior of a structure.

PERSON means an individual, corporation, partnership, association, organization,
or similar entity.

RELAYING INTERMEDIARY means any individual, corporation or central station which report the activation of an alarm to the Police Department for compensation. This cannot be done by the alarm itself or a recording automatically dialing or contacting the Police Department, the Fire Department or 911.

SECTION 2. PROPER ALARM SYSTEM OPERATION AND MAINTENANCE.

- (1) A person in charge of the alarm or his representative shall:
 - a. Maintain premises containing an alarm system in a manner that insures proper operation of the alarm system;
 - b. Maintain the alarm system in a manner that will minimize false alarm notifications;
 - c. Respond or cause a representative to respond within a reasonable period of time when notified by the City to repair or inactivate a malfunctioning alarm system, to provide access to the premises, or to provide security for the premises;
 - d. Not manually activate an alarm for any reason other than occurrence of an event that the alarm system was intended to report.
- (2) A person in charge of a local alarm or his representative, shall adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal will sound for no longer that 30 minutes after being activated. For a local alarm where a relaying intermediary is not involved, there must be displayed by the control box for the alarm, the name and phone number of a person to call who will be responsible for responding, taking charge of the premises, and resetting the alarm.

SECTION 3. RESET REQUIRED.

A person in charge of a local alarm or his representative shall adjust the mechanism to be adjusted so that upon activation the system will not transmit another alarm signal without first being manually or automatically reset.

SECTION 4. REPORTING OF ALARM SIGNALS.

A person in charge of the alarm shall not allow alarm signals to be reported through a relaying intermediary that does not comply with the requirements of this chapter. All relaying intermediaries must be licensed by the Texas Board of Private Investigators and Private Security Agencies. Nothing in this section shall require an answering service employed by a relaying intermediary to be licensed by the Texas Board of Private Investigators and Private Security Agencies.

SECTION 5. INDIRECT ALARM REPORTING.

A person who is engaged in the business of relaying alarm notification to the City shall do so in the manner and form determined by the Chief.

SECTION 6. SYSTEM PERFORMANCE REVIEWS.

If there is reason to believe that an alarm system is not being used or maintained in a manner that insures proper operations and suppresses false alarms, the Chief may require a conference with the person in charge of the alarm.

SECTION 7. FALSE ALARM SERVICES FEES.

- (1) The person in charge of the alarm shall pay a service fee of \$30.00 for each false alarm notification indicating that a burglary has occurred that is in excess of five (5) false burglary alarms within any twelve (12) month period.
- (2) The person in charge of the alarm shall pay a service fee on \$50.00 for each false alarm notification indicating that a robbery has occurred that is in excess of five (5) false robbery alarms within any twelve (12) month period.
- (3) For any alarm notification for which a service fee is assessed, the Chief has the authority to investigate the circumstances of the alarm, and may waive the payment of the fee if it is determined that the severity of the actual crime committed caused a danger to public safety, and necessitated the use of the investigative resources of the police department.

ARTICLE 11. DENIAL OF RESPONSE

SECTION 1. DENIAL OF RESPONSE TO ALARM:

- (1) The Chief of Police shall deny response to an alarm if he determines that:
 - (a) The person in charge of the alarm has violated Section 2, 3, 4, 5, or 6.
 - (b) The person in charge of the alarm has failed to make payment of a service fee assessed under Section 7 within thirty (30) days of notification of the fee owed.

SECTION 2. NOTIFICATION PRIOR TO TERMINATION.

Prior to termination of response to alarms written notice of this intended action shall be sent to the person in charge of the alarm, either by certified mail, return receipt requested, or hand delivery by an employee of the Police Department. This notice shall set forth the intended action and reasons for the denial of response to alarm.

SECTION 3. HEARING PRIOR TO DENIAL OF RESPONSE SERVICE.

The person in charge of the alarm system may elect to request a hearing before the Chief of Police to show cause why alarm service should not be denied. The request for a hearing before the Chief of Police must be requested within five (5) working days after receipt of the written notice.

SECTION 4. FROM DENIAL OF RESPONSE.

- (1) If the Chief decides to deny response to an alarm, he shall send to the person in charge of the alarm, by certified mail, return receipt

requested, or by hand delivery, written notice of his action and a statement of the right to an appeal. The person in charge of the alarm may appeal the decision of the Chief to the City Board of Adjustments and Appeals 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. The filing of a request for an

appeal hearing with the City Manager stays an action of the Chief in denying response to the alarm until the Board of Adjustments and Appeals makes a final decision. If a request for an appeal hearing is not made within the ten (10) day period, the action of the Chief is final.

- (2) The Board of Adjustments and Appeals shall serve as hearing officer at an appeal, and consider evidence by an interested person. The formal rules of evidence do not apply at an appeal hearing. The Board of Adjustments and Appeals shall make its decision on the basis of a preponderance of the evidence presented at the hearing. The Board of Adjustments and Appeals must render a decision within thirty (30) days after the request for an appeal hearing is filed. The Board of Adjustments and Appeals shall affirm, reverse, or modify the action of the Chief. The decision of the Board of Adjustments and Appeals is final as the administrative remedies with the City.

ARTICLE 111.

If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part or provisions thereof other than the part adjudged or held to be invalid or unconstitutional.

ARTICLE IV.

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict only.

ARTICLE V.

This ordinance shall become effective from and after its passage and publication as required by law.

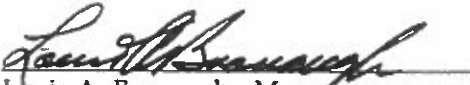
PASSED AND APPROVED by the City Council of the City of Lufkin, Texas, on the First Reading this the 15th day of August, 1995.


Louis A. Bronaugh, Mayor

ATTEST:


Atha Stokes, City Secretary

PASSED AND APPROVED by the City Council of the City of Lufkin, Texas, on
Second and Final Reading this the 5th day of September, 1995.


Louis A. Bronaugh, Mayor

ATTEST:


Atha Stokes, City Secretary

APPROVED:


Robert Flournoy, City Attorney

Published in Lufkin Daily News
September 8, 1995
Effective Date: September 17, 1995