

*Will  
check out  
ord.*

ORDINANCE NO. 107

AN ORDINANCE FOR THE TOWN OF BEASLEY, TEXAS, PROVIDING FOR THE REGULATION OF RESIDENTIAL AND BUSINESS ALARM SYSTEMS WITHIN THE TOWN, NOT INCONSISTANT WITH THE PROVISIONS OF TEXAS REVISED CIVIL STATUTES ANNOTATED, ARTICLE 4413(29bb), IN ORDER TO MINIMIZE THE ADVERSE IMPACTS OCCURRING IN THE COMMUNITY FROM UNMONITORED AND INCORRECTLY OPERATING ALARM SYSTEMS. VIOLATION OF THIS ORDINANCE SHALL BE A MISDEMEANOR PUNISHABLE BY A FINE NOT TO EXCEED (\$200.00) TWO HUNDRED DOLLARS ; CONTAINING A SEVERABILITY CLAUSE ; PROVIDING FOR THE REPEAL OF ANY ORDINANCES, RESOLUTIONS, OR INFORMAL POLICIES OF THE TOWN OF BEASLEY WHICH ARE IN ANY MANNER IN CONFLICT OR INCONSISTENT WITH THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BEASLEY, TEXAS:

**SECTION ONE: PURPOSE.**

THE PURPOSE OF THIS ARTICLE IS TO PROVIDE FOR THE REGULATION OF THE USE OF ALARM SYSTEMS WITHIN THE TOWN, NOT INCONSISTENT WITH THE PROVISIONS OF THE TEXAS REVISED CIVIL STATUTES ANNOTATED, ARTICLE 4413(29bb), IN ORDER TO MINIMIZE THE ADVERSE IMPACTS OCCURRING IN THE COMMUNITY FROM UNMONITORED AND INCORRECTLY OPERATING ALARM SYSTEMS.

**SECTION TWO: DEFINITIONS.**

THE FOLLOWING DEFINITIONS SHALL BE APPLICABLE TO THE TERMS AND PROVISIONS AS USED IN THIS ARTICLE AND SHALL SUPERSEDE ANY AND ALL OTHER DEFINITIONS PROVIDED IN THIS CODE FOR THE SAME OR SIMILAR WORDS IN OTHER CHAPTERS OR SECTIONS OF THIS CODE:

**ALARM SITE** - SHALL MEAN A PREMISE OR LOCATION SERVED BY AN ALARM SYSTEM.

**ALARM SYSTEM** - SHALL MEAN ANY DEVICE OR SYSTEM THAT TRANSMITS OR RELAYS A SIGNAL INTENDED TO SUMMON EMERGENCY SERVICES OF THE CITY OR TO WARN OF THE EXISTENCE OF AN EMERGENCY WITHIN THE CITY. FOR THE PURPOSES OF THIS ARTICLE, AN ALARM SYSTEM SHALL NOT INCLUDE AN ALARM INSTALLED ON A MOTOR VEHICLE.

**BURGLAR ALARM NOTIFICATION** - SHALL MEAN A NOTIFICATION INTENDED TO SUMMON THE POLICE, WHICH IS EITHER INITIATED OR TRIGGERED MANUALLY OR BY AN AUTOMATED SYSTEM WARNING OF AN INTRUSION.

**EMERGENCY MEDICAL ASSISTANCE ALARM NOTIFICATION** - SHALL MEAN A NOTIFICATION INTENDED TO SUMMON EMERGENCY MEDICAL ASSISTANCE FROM THE CITY.

**FALSE ALARM** - SHALL MEAN THE ACTIVATION OF ANY ALARM SYSTEM WHICH WAS NOT THE RESULT OF AN EMERGENCY OR THREAT OF EMERGENCY OF THE KIND FOR WHICH THE ALARM SYSTEM WAS DESIGNED TO GIVE NOTICE NOR THE RESULT OF A SEVERE WEATHER CONDITIONS, POWER SURGE OR POWER FAILURE THAT CAUSED PHYSICAL DAMAGE TO OR THE MALFUNCTION OF THE ALARM SYSTEM.

**FIRE ALARM NOTIFICATION** - SHALL MEAN A NOTIFICATION TO THE FIRE DEPARTMENT INTENDED TO SUMMON FIREFIGHTING FORCES, WHICH IS INITIATED OR TRIGGERED MANUALLY BY AN ALARM SYSTEM DESIGNED TO REACT ANY OF THE VISUAL OR PHYSICAL CHARACTERISTICS OF A FIRE.

**LOCAL ALARM** - SHALL MEAN AN ALARM SYSTEM THAT EMITS A SIGNAL AT AN ALARM SITE THAT IS AUDIBLE OR VISIBLE FROM THE EXTERIOR OF A STRUCTURE AND HAS AS ITS PURPOSE THE SUMMONING OF AID FROM A CITY DEPARTMENT.

**PERSON** - SHALL MEAN AN INDIVIDUAL, CORPORATION, PARTNERSHIP, ASSOCIATION, ORGANIZATION OR SIMILAR ENTITY.

**ROBBERY** - SHALL MEAN THE OFFENSE COMMITTED WHERE A PERSON IN THE COURSE OF COMMITTING A THEFT AND WITH THE INTENT TO OBTAIN OR MAINTAIN CONTROL OF THE PROPERTY INTENTIONALLY OR KNOWINGLY CAUSES, THREATENS OR PLACES ANOTHER IN FEAR OF BODILY INJURY OR DEATH.

ROBBERY ALARM NOTIFICATION - SHALL MEAN A NOTIFICATION INTENDED TO SUMMON THE POLICE WHEN A ROBBERY OCCURS BY MEANS OF AN ALARM SYSTEM IN THE PROPER OPERATION AND DEACTIVATION OF THE ALARM SYSTEM DESIGNED TO BE PURPOSELY ACTIVATED BY A HUMAN.

SECTION THREE: DUTY OF OWNERS AND OPERATORS OF ALARM SYSTEMS

A) THE PERSON IN CONTROL OF THE PROPERTY ON WHICH AN ALARM SYSTEM IS INSTALLED SHALL TRAIN ALL PERSONS WHO MAY ACTIVATE THE ALARM SYSTEM IN THE PROPER OPERATION AND DEACTIVATION OF THE ALARM SYSTEM.

B) ANY PERSON IN CONTROL OF THE PROPERTY ON WHICH AN ALARM SYSTEM IS INSTALLED WHO IS NOTIFIED BY ANY MEMBER OF THE POLICE OR FIRE DEPARTMENT OF THE ACTIVATION OF AN ALARM SYSTEM AND WHO IS AVAILABLE TO COME TO THE ALARM SITE SHALL COME TO THE ALARM SITE WITHIN THIRTY (30) MINUTES OF THE TIME SUCH PERSON IS NOTIFIED OF SUCH ACTIVATION AND SHALL PROVIDE THE POLICE OR FIRE DEPARTMENT ANY NECESSARY ACCESS.

C) THE CITY WILL RESPOND TO PROPER NOTIFICATION OF ACTIVATION OF AN ALARM SYSTEM WITHOUT CHARGE, EXCEPT:

1) THE PERSON IN CONTROL OF THE PROPERTY ON WHICH THE ALARM SYSTEM IS INSTALLED WILL BE CHARGED THE FULL COSTS INCURRED BY THE CITY WHEN HE, HIS AGENT OR HIS EMPLOYEE INTENTIONALLY OR KNOWINGLY ACTIVATE THE ALARM SYSTEM FOR ANY REASON OTHER THAN AN EMERGENCY OF THE KIND FOR WHICH THE ALARM SYSTEM AS DESIGNED TO GIVE NOTICE. THE CITY COUNCIL FINDS THAT THE MINIMUM COSTS INCURRED BY THE CITY IN RESPONDING TO THE ACTIVATION OF AN ALARM SYSTEM IS ONE HUNDRED SIXTY DOLLARS (\$160.00). NOTWITHSTANDING ANY TABULATION OF COSTS, A MINIMUM CHARGE OF ONE HUNDRED SIXTY DOLLARS (\$160.00) SHALL BE CHARGED TO THE PERSON IN CONTROL PROPERTY WHENEVER HE, HIS EMPLOYEE OR HIS AGENT INTENTIONALLY OR KNOWINGLY ACTIVATES AN ALARM SYSTEM FOR ANY REASON OTHER THAN AN EMERGENCY OR THREAT OF AN EMERGENCY OF THE KIND FOR WHICH THE ALARM SYSTEM WAS DESIGNED TO GIVE NOTICE AND THE CITY RESPONDED TO SUCH ACTIVATION OF THE ALARM SYSTEM. SUCH ONE HUNDRED SIXTY DOLLARS (\$160.00) CHARGE SHALL BE A MINIMUM CHARGE ONLY, AND SHALL NOT BE APPLIED WHEN A TABULATION OF COSTS, INCLUDING OVERHEAD, THE COST OF INVESTIGATION, AND ALL COSTS INCIDENT TO THE RESPONSE TO A PARTICULAR ALARM SYSTEM, SHOWS THAT THE COST WAS GREATER THAN ONE HUNDRED SIXTY DOLLARS (\$160.00).

(2) UNLESS FULL COSTS ARE CHARGEABLE UNDER PARAGRAPH (C)(1), A FIFTY DOLLARS (\$50.00) FEE WILL BE CHARGED THE PERSON IN CONTROL OF THE ALARM SITE FOR EACH RESPONSE BY THE CITY TO NOTIFICATION OF ACTIVATION OF ANY ALARM SYSTEM WHICH IS A FALSE ALARM, IF FIVE (5) OR MORE OTHER FALSE ALARMS HAVE OCCURED DURING THE PROCEEDING TWELVE-MONTH PERIOD UPON SUCH ALARM SITE.

D) PROVIDED, HOWEVER, NO FEE WILL BE CHARGED FOR A RESPONSE TO NOTIFICATION OF THE ACTIVATION OF AN ALARM SYSTEM IF THE PERSON IN CONTROL OF THE ALARM SITE SHOWS THAT THE ACTIVATION WAS NOT A FALSE ALARM AND ANY RESPONSE BY THE CITY TO NOTIFICATION OF ALARM WILL NOT BE INCLUDED IN DETERMINING THE FEES SET OUT ABOVE IF THE PERSON IN CONTROL OF THE ALARM SITE SHOWS THAT SUCH ACTIVATION WAS NOT A FALSE ALARM. FOR PURPOSES DETERMINING THE FEES SET ABOVE, THE HIGHEST RANKING POLICE AND / OR FIRE DEPARTMENT OFFICER RESPONDING TO NOTIFICATION OF THE ACTIVATION OF AN ALARM SYSTEM WILL MAKE THE DETERMINATION AS TO WHETHER OR NOT SUCH ACTIVATION WAS A FALSE ALARM AS DEFINED HEREIN IN SECTION TWO (2) AND THE BURDEN SHALL BE ON THE PERSON IN CONTROL OF THE ALARM SITE TO PROVE THAT THE ACTIVATION OF THE ALARM SYSTEM WAS NOT A FALSE ALARM.

STATE LAW REFERENCE - AUTHORITY OF CITY TO CHARGE FOR FALSE ALARMS, V.T.C.A., LOCAL GOVERNMENT CODE §§218.006, 218.007.

#### SECTION FOUR: OPERATION OF ALARM SYSTEM

NO PERSON SHALL INSTALL, CAUSE TO BE INSTALLED OR PERMIT TO BE INSTALLED ANY ALARM SYSTEM UNLESS THE REQUIREMENTS OF THIS SECTION ARE MET.

(1) ANY ALARM SYSTEM WHICH MAY BE ACTIVATED AS A RESULT OF DIFFERENT TYPES OF EMERGENCY SITUATIONS SHALL GIVE A UNIQUE SIGNAL TO DESIGNATE ACTIVATION AS A RESULT OF A HOLDUP, A BURGLARY, A FIRE, OR ANY OTHER TYPE OF EMERGENCY SITUATION, SO THAT THE PROPER NOTIFICATION AND PROPER RESPONSE CAN BE MADE.

(2) ANY LOCAL ALARM SYSTEM, EXCEPT A FIRE ALARM SYSTEM, SHALL HAVE A FIFTEEN (15) MINUTE SHUTOFF AND SHALL NOT MAKE A SOUND SIMILAR TO THAT OF AN EMERGENCY VEHICLE OR AN EMERGENCY MANAGEMENT WARNING SYSTEM.

EXCEPTION: AN ALARM SYSTEM WITH OUT A FIFTEEN (15) MINUTE SHUTOFF WHICH IS OPERATING ON THE EFFECTIVE DATE OF THIS ARTICLE NEED NOT COMPLY WITH THIS SUB-SECTION, UNTIL THE EXISTING SYSTEM IS REPLACED.

(3) NO HOLDUP ALARM SHALL INCLUDE A MONEY CLIP, PRESSURE PAD, OR SIMILAR DEVICE WHICH CAN CAUSE INADVERTENT ACTIVATION; AND ANY HOLDUP ALARM SHALL BE DESIGNED SO THAT IT CAN ONLY BE ACTIVATED ONLY BY INTENTIONAL AND DELIBERATE HUMAN ACTION.

(4) IT SHALL BE UNLAWFUL FOR ANY PERSON TO INSTALL, CAUSE TO BE INSTALLED, OR PERMIT THE INSTALLATION WITHIN THE CITY OF ANY ALARM SYSTEM EQUIPTED WITH AN AUTOMATIC DIALING DEVICE UNLESS THE SAME IS EQUIPPED WITH A MEANS TO AUTOMATICALLY DISCONNECT AND DISCONTINUE THE TRANSMITTAL OF SAID PRERECORDED MESSAGE AFTER THE SAME HAS BEEN COMMUNICATED TO THE POLICE DEPARTMENT OR FIRE DEPARTMENT. FOR THE PURPOSES OF THIS SECTION, AN "AUTOMATIC DIALING DEVICE" IS ANY DEVICE CONNECTED TO ANY ALARM SYSTEM WHICH AUTOMATICALLY SENDS A PRE-RECORDED MESSAGE INDICATING THE ACTIVATION OF THE ALARM SYSTEM TO THE POLICE DEPARTMENT OR FIRE DEPARTMENT.

(5) IT SHALL BE UNLAWFUL FOR ANY PERSON TO OPERATE, CAUSE TO BE OPERATED OR PERMIT THE OPERATION WITHIN THE CITY OF AN ALARM SYSTEM EQUIPPED WITH AN AUTOMATIC DIALING DEVICE UNLESS THE SAME IS EQUIPPED WITH A MEANS TO AUTOMATICALLY DISCONNECT AND DISCONTINUE THE TRANSMITTAL OF SAID PRERECORDED MESSAGE AFTER THE SAME HAS BEEN COMMUNICATED TO THE POLICE DEPARTMENT OR FIRE DEPARTMENT. ANY PRERECORDED MESSAGE SHALL INCLUDE A STATEMENT AS TO THE NATURE OF THE EMERGENCY, THE RESIDENT'S NAME, ADDRESS AND A CALL-BACK TELEPHONE NUMBER.

(6) THE CHIEF OF POLICE MAY SET REASONABLE STANDARDS AND PROCEDURES TO BE FOLLOWED BY AN ALARM SYSTEM BUSINESS OR TELEPHONE ANSWERING SERVICE WHEN GIVING NOTICE TO THE POLICE DEPARTMENT OF ACTIVATION OF AN ALARM SYSTEM.

#### SECTION FIVE - ALARM SYSTEM BUSINESSES CONDUCTED WITHIN CITY

WHENEVER ANY PERSON, PARTNERSHIP OR CORPORATION CONDUCTS THE BUSINESS OF INSTALLING, SERVICING OR MAINTAINING ALARM SYSTEMS AT ALARM SITES WITHIN THE LIMITS OF THE CITY, SUCH AS ENTITY SHALL:

(1) MAINTAIN A SUFFICIENT FORCE OF PERSONNEL TO RENDER EFFECTIVE ASSISTANCE AT THE ALARM SITE WITHIN THIRTY (30) MINUTES OF A REQUEST BY AN EMPLOYEE OR OFFICER OF THE CITY;

(2) ENSURE THAT SUFFICIENT PERSONNEL ARE AVAILABLE TO PROVIDE SERVICE AND TO REPAIR ANY ALARM SYSTEM INSTALLED AND MAINTAINED WITHIN THE CITY WITHIN SEVENTY-TWO (72) HOURS AFTER NOTIFICATION THAT SUCH SYSTEM IS IN NEED OF REPAIR IS RECEIVED FROM ANY PERSON IN CONTROL OF THE PROPERTY (ALARM SITE) OR FROM ANY EMPLOYEE OF THE CITY;

(3) KEEP AND MAINTAIN A WRITTEN RECORD OF THE DATE AND TIME OF REPAIR AND DESCRIPTION OF THE SPECIFIC REPAIR WHICH WAS PERFORMED ON ANY ALARM SYSTEM WHEN SUCH REPAIR WAS MADE IN RESPONSE TO NOTIFICATION BY THE PERSON IN CONTROL OF THE PROPERTY OR BY AN EMPLOYEE OF THE CITY THAT SUCH ALARM SYSTEM WAS IN NEED OF REPAIR; SUCH WRITTEN RECORD SHALL BE MAINTAINED FOR AT LEAST TWO (2) YEARS AND SHALL BE MADE AVAILABLE DURING THE REGULAR BUSINESS HOURS OF SAID ENTITY FOR INSPECTION AND DUPLICATION BY ANY EMPLOYEE OF THE CITY MANAGER OR THE CHEIF OF POLICE.

STATE LAW REFERENCE - PRIVATE INVESTIGATORS AND PRIVATE SECURITY AGENCIES ACT, VERNON'S ANN. CIV. ART. 4413(29BB)

#### SECTION SIX - TAMPERING WITH ALARM SYSTEMS PROHIBITED.

IT SHALL BE UNLAWFUL FOR ANY PERSON TO TAMPER WITH OR MALICIOUSLY INJURE ANY ALARM SYSTEM OR EQUIPMENT.

#### SECTION SEVEN - HAZARDOUS AND /OR IMPROPERLY FUNCTIONING ALARM SYSTEM.

IT SHALL BE UNLAWFUL FOR ANY PERSON TO OPERATE AND / OR ACTIVATE BY CONNECTION TO A MASTER POWER SOURCE ANY ALARM SYSTEM WITHIN THE CITY THAT IS HAZARDOUS OR LIKELY TO CAUSE INJURY TO PERSONS OR PROPERTY OR WHICH IS IMPROPERLY FUNCTIONING AND OPERATING AND WILL THUS CAUSE FALSE ALARM OR FAIL TO ACTIVATE SIGNALING AN ALARM WHEN THE PROPER PROCEDURES ARE USED FOR THE ACTIVATION THEROF.

SECTION EIGHT - FALSE ALARMS PROHIBITED; EXCEPTIONS

NO PERSON SHALL INTENTIONALLY ACTIVATE AN ALARM SYSTEM FOR ANY PURPOSE OTHER THAN AN EMERGENCY OR THREAT OF EMERGENCY OF THE KIND FOR WHICH THE ALARM SYSTEM WAS DESIGNED TO GIVE NOTICE; PROVIDED, HOWEVER, IT SHALL BE AN AFFIRMATIVE DEFENSE TO PROSECUTION UNDER THIS SECTION THAT THE ALARM SYSTEM WAS SOUNDED SOLELY FOR THE PURPOSES OF TESTING THE ALARM AND THE PERSON WHO TESTED THE ALARM TOOK REASONABLE PRECAUTIONS TO AVIOD ANY REQUESTS BEING MADE TO THE POLICE DEPARTMENT, FIR DEPARTMENT, OR OTHER DEPARTMENT OF THE CITY TO RESPOND TO SUCH AN ALARM. IF A PERSON IS CONVICTED OF THE CRIME OF MAKING A FALSE ALARM OR REPORT AS PROVIDED FOR OF 42.06 OF THE TEXAS PENAL CODE, THE PERSON SHALL NOT ALSO BE PROSECUTED FOR THE SAME OFFENSE UNDER THE TERMS AND PROVISIONS OF THIS SECTION.

SECTION NINE - INJUCTIVE RELIEF

THE CITY MAY AT ANY TIME PROCEED IN A COURT OF COMPETENT JURISDICTION TO SECURE SUCH INJUNCTION OR EQUITABLE RELIEF AS MAY BE DEEMED NECESSARY TO SECURE PERFORMANCE AND COMPLIANCE UNDER THE TERMS AND PROVISIONS OF THIS ARTICLE.

SECTION TEN - CITY NOT LIABLE

AT NO TIME, SHALL THE CITY ASSUME ANY LIABILITY FOR THE PROPER MONITORING OF, OR RESPONSE TO, OR INDICATIONS THAT MAY APPEAR THERON, NOR SHALL THE CITY ASSUME ANY LIABILITY OF ANY NATURE FOR THE PAYMENT OF ANY FEES, COSTS, AND EXPENSES, REGARDING THIS ORDINANCE.

SECTION ELEVEN - APPROVAL

THIS ORDINANCE SHALL BE EFFECTIVE FROM AND AFTER THE DATE OF ITS PASSAGE AND APPROVAL AND THE PUBLICATION OF ITS CAPTION AS REQUIRED BY LAW.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1997.

\_\_\_\_\_  
JAMES ISBELL, MAYOR

ATTEST:

\_\_\_\_\_  
CLINTON CONRAD, TOWN SECRETARY

**Beasley Police Department**  
P. O. Box 122 • 214 South Third  
Beasley, Texas 77417

**DAVID Wm. GREEN**  
Chief of Police

409/387-2337  
Emergency 911  
1-800-341-6116

PERMIT # \_\_\_\_\_ RESIDENT: \_\_\_\_\_ BUSINESS: \_\_\_\_\_

APPLICANT NAME: \_\_\_\_\_

DRIVER'S LICENSE # (MANDATORY) \_\_\_\_\_

BUSINESS NAME: \_\_\_\_\_

IF ALARM AT BUSINESS

ADDRESS OF ALARM: \_\_\_\_\_

(IF YOU ARE UNSURE IF YOU ARE IN BEASLEY POLICE DEPT. JURISDICTION, CALL 409-387-2337)

CITY: \_\_\_\_\_ ZIP: \_\_\_\_\_

PHONE: (HOME) \_\_\_\_\_ (WORK) \_\_\_\_\_

CONTACT PERSON (S) 1 HOUR RESPONSE WITH A KEY & CODE

RELATION = EMPLOYEE NEIGHBOR FRIEND RELATIVE

NAME 1) \_\_\_\_\_ REL- \_\_\_\_\_ ADDRESS \_\_\_\_\_

HOME# \_\_\_\_\_ WORK# \_\_\_\_\_ CITY, STATE \_\_\_\_\_

NAME 2) \_\_\_\_\_ REL- \_\_\_\_\_ ADDRESS \_\_\_\_\_

HOME# \_\_\_\_\_ WORK# \_\_\_\_\_ CITY, STATE \_\_\_\_\_

ALARM TYPE: MONITOR Y/N LOCAL AUDIBLE (ONLY) Y/N BURGLAR Y/N PANIC Y/N

HOLD UP Y/N SILENT Y/N FIRE Y/N MEDICAL Y/N

ALARM COMPANY INFORMATION:

NAME: \_\_\_\_\_ ADDRESS \_\_\_\_\_

PHONE: \_\_\_\_\_ CITY, STATE: \_\_\_\_\_

I HEREBY CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

SIGNED: \_\_\_\_\_

PRINT: \_\_\_\_\_ DATE: \_\_\_\_\_

IF APPROVED, THE PERMIT IS VALID FOR ONE (1) YEAR FROM THE APPLICATION DATE IN PERSON OR POSTMARK DATE BY U.S. POSTAL SERVICE. IT IS THE RESPONSIBILITY OF THE PERMIT HOLDER TO RENEW THE PERMIT WITHIN 90 DAYS OF THE EXPIRATION BY CONTACTING THE ALARM UNIT. A \$25.00 ANNUAL FEE, DUE AT THE TIME OF APPLICATION, IS PAYABLE WITH A CASHIERS CHECK OR MONEY ORDER MADE PAYABLE TO THE BEASLEY POLICE DEPARTMENT. CASH IS ACCEPTABLE ONLY IF DELIVERED TO THE POLICE DEPARTMENT IN A SEALED ENVELOPE WITH THE APPLICATION. MAIL OR DELIVER YOUR APPLICATION AND FEE TO:

BEASLEY POLICE DEPARTMENT  
ATTN.: ALARM UNIT  
P.O. BOX 122  
BEASLEY, TEXAS 77417