

ORDINANCE NO. 2012-1073

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS,
REGULATING BURGLAR ALARMS; PROVIDING A PENALTY;
PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY;
PROVIDING AN EFFECTIVE DATE; AND MAKING OTHER
PROVISIONS AND FINDINGS RELATED THERETO.

* * * * *

WHEREAS, Texas Local Government Code Chapter 214 authorizes a municipality to regulate burglar alarms; and

WHEREAS, The City of Fulshear, Texas ("City") desire to regulate burglar alarm systems within the City;

WHEREAS, The City Council finds that such regulations protect the public safety and welfare and is beneficial to the City;

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

Section 1. The facts and recitations found in the preamble to this Ordinance are true and correct and incorporated herein for all purposes.

Section 2.

Definitions: The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alarm system means a device or system that transmits a signal intended to summon police in response to a burglary. The term includes an alarm that emits an audible signal on the exterior of a structure. The term does not include an alarm installed on a vehicle, unless the vehicle is used for habitation at a permanent site, or an alarm designed to alert only the inhabitants within the premises.

Permit means a certificate, license, permit, or other form of permission that authorizes a person to engage in an action.

Section 3.

Burglar alarm permit required.

- (a) A person shall complete an alarm permit application as provided by the City and obtain an alarm permit before operating an alarm system within the City.
- (b) Before the City will issue an alarm permit, applicant shall pay an alarm permit fee to the City in the amount of \$50.00 for a

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- (b) Before the City will issue an alarm permit, applicant shall pay an alarm permit fee to the City in the amount of \$50.00 for a

residential premises and \$100.00 for a commercial premises. Alarm permits are valid for 1 year from date of issuance.

- (c) A separate alarm permit shall be obtained for each alarm premises.
- (d) An alarm permit holder shall:
 - (1) Keep a copy of the alarm permit at the alarm premises; and
 - (2) Produce the alarm permit for inspection at the request of an employee of the Police Department or other City Official.
- (e) An alarm permit holder shall file an application to renew a permit not later than thirty (30) days before its expiration and shall pay to the City an alarm permit renewal fee in the amount as set forth in subsection (b) of this section.
- (f) A tenant of a multifamily housing facility shall obtain an individual alarm permit for the individual residential dwelling before the tenant operates or causes the operation of an alarm system.
- (g) A permit issued under this ordinance is non-transferable and non-refundable.

Section 4.

Permit Revocation or Nonrenewal of permit.

The City may revoke or refuse to renew a permit after at least thirty (30) days' written notice to the applicant if the applicant or alarm permit holder has:

- (a) Makes a false statement on the application;
- (b) Fails to pay a fee or penalty assessed under this ordinance;
- (c) The premises have had eight or more false alarms during the preceding 12-month period; or
- (d) Violated the terms of this Ordinance.

Section 5.

Reinstatement of alarm permit.

The City may reinstate a revoked or non-renewed alarm permit if the City determines that the applicant or alarm permit holder:

- (a) Has paid all fees and penalties as authorized by this Ordinance; and
- (b) Complies with all provisions of this Ordinance.

Section 6.

False alarms.

- (a) If an alarm system transmits more than three false burglar alarm notifications within a 12-month period, and within 30 minutes of such alarm notification the police determine from an inspection of the interior or exterior of the premises that the alarm was false, the alarm permit holder shall pay a penalty fee to the City for the fourth and each subsequent false burglar alarms as set forth below.

Residential Alarms

- (1) For each response for the first through the 3rd.....No Fee
- (2) For each response after the 3rd through the 5th....\$25.00
- (3) For each response after the 5th through the 8th....\$50.00
- (4) For each response after the 8th\$75.00

Commercial Alarms

- (1) For each response for the first through the 3rd.....No Fee
- (2) For each response after the 3rd through the 5th ...\$50.00
- (3) For each response after the 5th\$75.00

Section 7. Penalty.

Any person who violates or causes, allows or permits another to violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00). Each occurrence of any such violation of this Ordinance shall constitute a separate offense. Each day on which any such violation of this Ordinance occurs shall constitute a separate offense.

Section 8. Repeal.

All ordinances or parts of ordinances in force when the provisions of this Ordinance becomes effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of such conflict.

Section 9. Severability.

In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Fulshear, Texas, declares that it would have passed each and every part of the same notwithstanding the

omission of any part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 10. *Effective Date.*

This Ordinance shall be and become effective immediately upon and after its passage and publication as may be required by law.

PASSED, APPROVED, AND ADOPTED this the 19th June 2012.


Thomas C. Kuykendall, Jr., Mayor

ATTEST:


D. Gordon Offord, City Secretary