

ORDINANCE NO. 318-92

AN ORDINANCE AMENDING CHAPTER 1, GENERAL PROVISIONS FOR THE CODE OF THE CITY OF WILLOW PARK, TEXAS, RELATING TO THE PROVISION FOR THE SYSTEM OF THE ADMINISTRATION OF BURGLARY AND ROBBERY ALARM SYSTEMS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A PENALTY; AND, PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILLOW PARK, TEXAS:

I.

Chapter 1, of the Code of Ordinances, City of Willow Park, Texas, is hereby amended by adding a new section numbered 17A, which Section is to read as follows:

SECTION 1: BURGLARY AND ROBBERY ALARM SYSTEMS

A. Definitions

As used in this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

1. Alarm system shall mean any device designed and manufactured for the detection of an unauthorized entry on premises or for alerting others of the commission of an unlawful act, or both, and which, when actuated, transmits a signal or message remotely to an answering service or other similar monitoring station.
2. Alarm user shall mean any person, firm, corporation or other entity which owns, possesses, or leases an alarm system.
3. Excess alarms signaling a burglary or unauthorized entry shall mean those alarms in excess of three (3) signaled from the same user's premises by the same alarm system within any calendar quarter, but not including:
  - A. Such alarms signaled within the first fifteen (15) days after an original installation of said system of a major component thereof; and,
  - B. Those alarms in which an unauthorized entry has been verified.

The decision of the police department concerning whether an unauthorized entry has occurred will be final.

4. Excess alarms signaling a robbery or the commission of an unlawful act shall mean 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:
  - A. Such alarms signaled within the first five (5) days after an original installation of said system or a major component thereof; and
  - B. Those alarms in which a robbery or attempted robbery has occurred.
5. Person shall mean any individual, partnership, corporation or other entity.
6. Calendar quarter shall mean either January through March, April through June, July through September, or October through December of any calendar year.

#### B. 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 police except in the event of what is reasonably believed to be an unlawful act and/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 particular crime, it shall be unlawful for anyone to activate such alarm system for the purpose of summoning police except in the event of what is reasonably believed to be such particular crime.
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 currently 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 sixty (60) days delinquent in the payment of any service charges due and payable under the subsection hereof. Each day of such delinquency shall constitute a separate offense.
4. It shall be unlawful for any 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.

#### C. Service Charges

1. Each alarm user shall pay to the City of Willow Park a penalty for excess alarms for the same user's premises to which police respond. Excess alarm fees are established by city council. A schedule of the current applicable fees will be

available for review at the city municipal building.

II.

All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

III.

Should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

IV.

Wherever in this Ordinance an act is prohibited or made or declared to be unlawful or an offense or a misdemeanor, or wherever the doing of an act is required or the failure to do an act is declared to be unlawful, the violation of any such provision of this Ordinance shall be punished as provided in Chapter 1, Section 1F of the Code of the City of Willow Park, Texas, for each offense or for each day such offense shall continue if it is one classified as a continuing offense. No penalties shall be greater or less than the penalty provided for the same or similar offense under the laws of the State of Texas.

BURGLARY AND ROBBERY ALARM SYSTEMS  
EXCESS ALARM FEE SCHEDULE

I. Excess Alarm Signaling a Burglary

4th Alarm	\$ 25.00
5th Alarm	35.00
6th Alarm	45.00
7th Alarm	55.00
8th Alarm	65.00
9th Alarm	75.00
10th Alarm	85.00
11th Alarm	95.00
12th Alarm	105.00

II. Excess Alarm Signaling a Robbery

3rd Alarm	\$ 25.00
4th Alarm	35.00
5th Alarm	45.00
6th Alarm	55.00
7th Alarm	65.00
8th Alarm	75.00
9th Alarm	85.00
10th Alarm	95.00
11th Alarm	105.00

V.

This ordinance shall be in full force and effect from and after the date of its passage and publication as required by law.

PASSED AND ADOPTED this the 21st day of April, 1992.

APPROVED:

Sharon Riley Suarez

SHARON SUAREZ, Mayor

ATTEST:

Kathy Mitchell

City Secretary

APPROVED

Walter W. Leonard

WALTER W. LEONARD, City Attorney