

ORDINANCE NO. 1684

AN ORDINANCE OF THE TOWN OF HIGHLAND PARK, TEXAS REPEALING ARTICLE 4.02 (ALARM SYSTEMS) OF CHAPTER 4 (BUSINESS REGULATIONS) OF THE CODE OF ORDINANCES AND ENACTING IN LIEU THEREOF A NEW ARTICLE 4.02 (ALARM SYSTEMS) REGULATING THE USE OF RESIDENTIAL AND COMMERCIAL BURGLARY, PANIC, MEDICAL EMERGENCY, AND FIRE ALARM SYSTEMS; PROVIDING DEFINITIONS AND TERMS; PROVIDING STANDARDS FOR ALARM SYSTEMS AND LOCAL ALARM SYSTEMS; PROVIDING FOR DIRECT MONITORING OF ALARM SYSTEMS BY THE TOWN'S DEPARTMENT OF PUBLIC SAFETY; PROVIDING FOR TESTING OF ALARM SYSTEMS BY THE TOWN'S DEPARTMENT OF PUBLIC SAFETY; PROVIDING FOR LIMITS ON SECURITY SYSTEMS' SOUND-PRODUCING DEVICES; PROVIDING FOR SECURITY SYSTEMS' REGISTRATION WITH THE DEPARTMENT; PROVIDING A SCHEDULE OF FEES; PROVIDING FOR PENALTIES FOR INVALID ALARMS; PROVIDING FOR A NOTICE CLAUSE; PROVIDING FOR A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE, PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Highland Park ("Town") has reviewed the methods of improving reliability of existing residential and business fire and security alarm systems, promptness in reporting alarm conditions to the Department of Public Safety, and methods of reducing the incidence of invalid alarms; and

WHEREAS, the Town Council has determined that all alarm and/or security systems within the Town, and as designated herein, shall be governed by ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HIGHLAND PARK, TEXAS:

SECTION 1 - That, Article 4.02 (Alarm Systems) is hereby repealed in its entirety and a new Article 4.02 (Alarm Systems) is hereby enacted in lieu thereof.

SECTION 2 - DEFINITIONS AND TERMS

The following words and terms, as used herein, shall have the meaning respectively ascribed to them, as follows:

- A. **"ALARM AGENT"** means any person employed by an Alarm Business (as defined herein) whose duties include the altering, installing, maintaining, moving, repairing, replacing, selling, leasing, servicing, responding to, or causing others to respond to an alarm device. However, "Alarm Agent" does not include persons who engage in the manufacture or sale of Alarm Systems from a fixed location and who neither visit the Alarm Site (as defined herein) where the Alarm System is to be installed, nor design the scheme for the physical location of the Alarm System at an Alarm Site (as defined herein).

B. "ALARM BUSINESS" means any individual, company, partnership, corporation, or proprietorship, along with any of its officers, directors, agents or employees, which alters, installs, leases, maintains, moves, repairs, replaces, sells, services, or responds to an Alarm System (as defined herein), or which causes any of those activities to take place. As required under present Texas state law, those employees, agents, and/or sub-contractors of an Alarm Business who provide any of the aforesaid goods and services shall be licensed by the State of Texas for same and be in good standing with the State. Such licenses shall include, but not be limited to, the following:

1. For burglar, panic, and/or medical emergency alarm systems, a license issued by the Texas Department of Public Safety Private Security Bureau for such purpose.
2. For fire alarm systems, a license issued by the Texas Department of Insurance State Fire Marshal's Office for such purpose.

An "Alarm Business" does not and shall not include the Town of Highland Park's Department of Public Safety, the Town of Highland Park, Texas, or their past, present, and/or future officers and employees.

C. "ALARM MONITORING CENTER" means a business and/or office (other than the Town's Department of Public Safety) that receives and/or monitors Alarm Systems (as defined herein) and which an Alarm User retains for the purpose of providing Alarm Notification (as defined herein). The Alarm Monitoring Center must be licensed by the Texas Commission on Private Security.

D. "ALARM NOTIFICATION" means that communication to the "Dispatch Center" of the Town's Department of Public Safety that is by and through a Direct Connect Alarm System (as defined herein) or by and through a Remote Signaling System (as defined herein). By design, such communication is either to be initiated purposely by a person or by an Alarm System (as defined herein), and is caused by and/or is in response to a stimulus characteristic of unauthorized intrusion into the structure (hereinafter, the "Burglar Alarm Mode"), excessive smoke and/or fire (hereinafter, the "Fire Alarm Mode"), or a medical emergency (hereinafter, the "Medical Emergency Mode"). An "Alarm Notification" occurs contemporaneously with an activation of an Alarm System.

E. "ALARM SITE" means a single premise or multi-family location in the Town of Highland Park that utilizes and/or operates an Alarm System or a Local Alarm System (as defined herein).

F. "ALARM SYSTEM" means an assembly of equipment (or a single device such as a solid state unit which plugs directly into a one hundred ten 110 volt AC ["110VAC"] line) arranged to cause and/or give an Alarm Notification. An "ALARM SYSTEM" does not include, however, a security alarm installed on a vehicle.

G. "ALARM SYSTEM UPGRADE" means an upgrade of an existing burglar/fire alarm control panel of an Alarm System or an addition of fire alarm devices to an existing Alarm System, such as are commonly used for smoke, heat and carbon monoxide detection.

- H. **"ALARM USER"** means the Person (as defined herein) who is the occupant of an Alarm Site. "Alarm User" shall also mean that individual who registers either an Alarm System or a Local Alarm System (as defined herein) with the Town's Department of Public Safety.
- I. **"ANNUNCIATOR"** means the instrumentation on an alarm console at the Alarm Site which through both visual and audible signals indicate when an alarm activation device at a particular location at the Alarm Site has been activated, or, when a component of the Alarm System is malfunctioning.
- J. **"ANSI"** means the American National Standards Institute.
- K. **"ANSWERING SERVICE"** refers to a telephone answering service providing among its services the service of receiving on a continuous basis through trained employees, emergency signals from Alarm Systems, and thereafter immediately relaying the message by live voice to the Department of Public Safety.
- L. **"AUTOMATIC DIALING DEVICE"** refers to an alarm system which automatically sends over regular telephone lines, by direct connection otherwise, a prerecorded voice message or coded signal indicating the existence of the emergency situation that the Alarm System is designed to detect.
- M. **"BURGLAR ALARM"** see SECURITY ALARM
- N. **"BUSINESS/COMMERCIAL ESTABLISHMENT"** means any structure intended or used for the purpose of conducting a commercial business enterprise.
- O. **"DEPARTMENT" OR "DEPARTMENT OF PUBLIC SAFETY"** means the Town of Highland Park's Department of Public Safety.
- P. **"DIRECT CONNECT ALARM SYSTEM", "DIRECT MONITORED ALARM SYSTEM" or "DCAS"** means an Alarm System which has the capability of transmitting an Alarm Notification directly from the Alarm Site to the Department.
- Q. **"FIRE ALARM"** means a component of an ALARM SYSTEM designed or intended to
 1. passively detect and signal the presence of smoke, heat, fire, or carbon monoxide hazards;
 2. signal a fire hazard through manual activation such as a fire pull station or button.
- R. **"EMERGENCY MEDICAL ALARM"** means a component of an ALARM SYSTEM designed or intended to summon a medical response to a location.
- S. **"INTERCONNECT"** means to connect an Alarm System to a telephone line, either directly or through a mechanical device that utilizes a standard telephone, for the purpose of using the telephone line to transmit an Alarm Notification.

- T.** "LOCAL ALARM SYSTEM" means a device and/or system designed to alert and/or warn inhabitants of and on a premise of a burglar, panic, medical, smoke and/or fire emergency, but which does not use an Alarm Notification in conjunction therewith.
- U.** "INVALID ALARM" or "FALSE ALARM" means the activation of an Alarm System through mechanical or electronic failure, malfunction, improper installation or the negligence of the owner or lessee of an Alarm System, or, the negligence of their employees or agents. The following circumstances and/or occurrences shall not, however, be considered an instance of an "Invalid Alarm:"
1. Alarm Notifications caused by the failure or malfunction of the Department's monitoring and/or signal receiving systems;
 2. Alarm Notifications occurring on a repeated basis but without an apparent cause, and where, in the sole opinion of the Department, the Alarm Business responsible for the Alarm System's installation and/or servicing, is taking prompt action to remedy the malfunction;
 3. An Alarm Notification followed by an immediate call to the Department of Public Safety canceling the Alarm Notification (by giving the proper code number or word), and where such call has been made to the Department prior to one of the Department's officers arrival at the Alarm Site; and
 4. Alarm Notifications resulting from the servicing of an Alarm System by an Alarm Business when, prior to said servicing, the Alarm User or his agent has informed the Department that the Alarm System will be repaired or serviced at that particular date and time that coincides with said Alarm Notifications.
- V.** "OWNER" means the record titleholder of real property.
- W.** "PERSON" means any individual, corporation, organization, partnership, association, or any other legal entity. In addition, a word in this ordinance importing the masculine gender only shall extend to and be applied to females and to corporations, organizations, partnerships, associations, or any other legal entities, as well as to males.
- X.** "RADIO FREQUENCY SIGNALING DEVICE" means that communication device in a Direct Connect Alarm System that, when activated, transmits by radio an Alarm Notification to the Department of Public Safety's Dispatch Center.
- Y.** "REMOTE SIGNALING SYSTEM" means an Alarm System that, when activated, transmits a signal to an Alarm Monitoring Center.
- Z.** "RESIDENCE" or "RESIDENCE SITE" means a structure intended as a dwelling unit including, but not limited to, one-family dwelling units, apartments, condominiums, townhouses and duplexes.
- AA.** "SECURITY ALARM" means a component of an ALARM SYSTEM designed or intended to signal
1. the unauthorized entry or attempted unauthorized entry into a residence,

- business, or protected area;
2. the occurrence of a robbery, hostage situation, or other law enforcement emergency.

- BB. "SECURITY SYSTEM" or "SECURITY SYSTEMS"** means Alarm Systems and Local Alarm Systems, individually or collectively, as appropriate, in the context of the provisions of this ordinance.
- CC. "TELEPHONE COMPANY"** means any entity that furnishes telephone services to any area within the Town of Highland Park, and is licensed by the State of Texas for such purpose.
- DD. "TOWN"** means the Town of Highland Park, Texas.
- EE. "TOWN COUNCIL"** means the members of the Town Council of the Town of Highland Park, Texas, individually and/or collectively.
- FF. "UL"** means Underwriters Laboratories.

SECTION 3 - STANDARDS FOR ALARM SYSTEMS AND LOCAL ALARM SYSTEMS

- A.** It is the responsibility of an Alarm User to insure that his Security System operates properly. To that end, an Alarm User shall be responsible for the maintenance of his Security System, as well as the reliability of its operation.
- B.** The Department may regulate the types of Alarm Systems that it will permit to function in the capacity of a Direct Connect Alarm System. In addition, the Department may test certain Alarm Systems to insure their compatibility with the Department's monitoring and/or signal receiving systems. The aforesaid acts of the Department shall not, however, serve as any warranty, representation, and/or guarantee that said Alarm System shall operate properly and reliably at all times.
- C.** A single or multi-station fire alarm system which complies with the National Fire Protection Association ("NFPA") Standards (current edition) and the Texas Insurance Code Article 5.43-2 (Fire Detection and Alarm Devices) and Title 28, Texas Administrative Code, Section 34.600 et seq (Fire Alarm Rules) shall be provided throughout:
1. All new, Assembly Group A, Business Group B, Educational Group E, Factory Industrial Group F, Hazardous Group H, Institutional Group I, Mercantile Group M, Storage Group S, Residential Group R, or Single Family and Multi-Family Residence, as defined in the 2003 International Fire Code regardless of floor area, height, fire partitions, exits, sprinkler systems, manual alarm systems, other requirements or code requirements.
 2. All existing and new sections of any existing building whenever additions or alterations result in a fifty percent (50%) increase or a fifty percent (50%) alteration in the original floor area, or a new alarm system is installed, in any

Assembly Group A, Business Group B, Educational Group E, Factory Industrial Group F, Hazardous Group H, Institutional Group I, Mercantile Group M, Storage Group S, Residential Group R, or Single Family and Multi-Family Residence, as defined in the 2003 International Fire Code, regardless of floor area, height, fire partitions, exits, sprinkler systems, manual alarms, other requirements or code requirements.

3. All Residential Group R or Multi-Family individual dwelling units shall be individually permitted and each individual dwelling unit shall have an individual alarm annunciator as defined in the 2003 International Fire Code, Section 902.
4. Any alteration, modification, or change to an existing fire alarm system must meet NFPA Standards (current edition).
5. For an Alarm System in the Fire Alarm Mode, the Alarm Site's Annunciator must continue to indicate and/or signal the presence of smoke and/or fire until manually reset.
6. All fire alarm initiating devices shall be connected to a UL listed control panel to communicate alarm signals to either the Town's Monitoring Center or other monitoring station as specified in Section 2 C. Single station 110VAC smoke detectors installed either in stand-alone or tandem configuration do not meet the requirements of this section.

D. Except where modified or qualified elsewhere herein, the following standards are required for Security Systems (and a copy of all standards shall be available for public inspection at the Department of Public Safety):

UL AND/OR ANSI STANDARDS:

1. All Security Systems installed in Business/Commercial Establishments after the effective date of this ordinance shall utilize equipment, components, and methods of installation equal to or exceeding the following minimum applicable UL or ANSI standards: UL 609 (ANSI SE2.1-1972) "Local Burglar Alarm Units and Systems;" UL 636 (ANSI SE2.7- 973) "Hold-up Alarm Units and Systems;" UL 681 (ANSI SE2.3- 972) "Installation and Classification of Mercantile and Bank Burglar Alarm Systems." All such installations shall be made by an Alarm Business;
2. All Security Systems installed in Residences after the effective date of this ordinance shall utilize equipment and components which shall be equivalent to or exceed the minimum applicable UL Standard 1023 (ANSI SE2.4-1972) "Household Burglar Alarm Systems Units." All installations shall be made by an Alarm Business. If the Security System is to include fire protection, then the Alarm Business, as well as the Alarm Agent installing the fire alarm system, must be licensed with the Texas Department of Insurance, State Fire Marshal as required in Section 5 of the Texas Insurance Code Article 5.43-2 (Fire Detection and Alarm Devices) and Title 28, Texas Administrative Code, Section 34.601 et

seq (Fire Alarm Rules), as amended, issued by the State Fire Marshal. All Alarm Systems equipped with fire protection must meet all requirements as set out in the National Fire Alarm Codes as stated in the National Fire Protection Association Standards (current edition);

3. In those instances where UL and/or ANSI have not established standards for certain categories of equipment or where new equipment is undergoing field testing, the Department may require that the Security System be inspected at the expense of the Alarm User by a registered professional engineer who shall certify in writing that the Security System is safe and reliable.
4. In accordance with the Texas Occupations Code, "An alarm systems company shall notify the municipality in which the alarm system is located of an installation or activation of an alarm system not later than the 30th day after the date of the installation or activation."

DEPARTMENT STANDARDS

1. All Security Systems shall have a standby power supply for the control panel and the attached equipment. This secondary source of power shall be so installed that if the main source of power fails, the system shall not cause an Invalid Alarm. All standby power supplies shall be of the rechargeable type and shall be capable of operating the system for a minimum of seven (7) continuous hours. It is the responsibility of the Alarm User to insure that all batteries utilized as standby power sources in his Security System are tested at least once annually and replaced when found to be defective. All new installations shall have rechargeable power supplies installed at the time of the initial installation of the Security System;
2. When the Alarm Site is a Business/Commercial Establishment, and said Alarm Site uses the telephone line to transmit an Alarm Notification when in the Fire Alarm Mode, the Alarm System must be equipped with a Digital Alarm Communicator Transmitter (ACT) as described in the National Fire Protection Association (NFPA 72), as amended;
3. All activation devices utilized in Security Systems shall be adjusted so as to reasonably prevent invalid indications of fire or intrusion. In particular, Security Systems are not to be activated by natural phenomena including, but not limited to, transient pressure changes in water pipes, short flashes of light, wind noises or exterior pressure changes (such as rattling or vibration of windows or sonic booms) and vehicular noises adjacent to the Alarm Site.

SECTION 4 - DIRECT MONITORING OF ALARM SYSTEMS BY THE DEPARTMENT OF PUBLIC SAFETY

- A. **Direct Monitoring by the Department.** As a condition of an Alarm User having DCAS, an Alarm User shall have:

1. The Alarm System comply with the Department's standards for DCAS' installation, maintenance and connections to the Department and/or the Department's Dispatch Center;
 2. The Alarm System currently registered with the Department as provided herein;
 3. Paid all fees applicable to DCAS, as set forth by the Town under the provisions of this ordinance; and
 4. The Alarm System maintained and/or serviced by an Alarm Business currently licensed by the State of Texas.
- B. Cancellation of Direct Monitoring.** For Alarm Users who no longer desire to use DCAS, the cancellation of said service may be accomplished by the Alarm User providing a signed written request to cancel DCAS, giving the address of the Alarm Site and the date that the Alarm User desires for DCAS to terminate. The Department of Public Safety may inspect the DCAS Alarm Site upon cancellation to verify proper termination of DCAS alarm service.
- C. Termination of Direct Monitoring.** Upon reasonable notice to the Alarm User provided by two attempts, thirty days apart, to deliver such notice by certified mail, the Department of Public Safety may terminate DCAS under the following circumstances:
1. The Alarm User vacates the Alarm Site and the Alarm User cancels the Town's utility services at and to the Alarm Site;
 2. The Alarm User fails to obtain or renew the annual alarm registration as required by ordinance;
 3. The Alarm User fails to pay all fees incurred by Invalid Alarm signals activated by the burglar/fire alarm system as required by Town ordinance.
- D. Restoration of Direct Monitoring.** A former DCAS Alarm User may restore DCAS at an Alarm Site by complying with the provisions in A., above. If a Person purchases or occupies an Alarm Site which formerly operated with DCAS, said Person may restore DCAS at said Alarm Site by complying with the provisions in A., above.
- E. Restrictions on Automatic Dialing Devices.** No Alarm System with Automatic Dialing Devices shall be keyed to the Department of Public Safety or otherwise connected to the Department terminals. Any such Alarm System that is keyed to a primary or secondary trunk line of the Department shall be immediately disconnected at the expense of the Alarm User and/or the Alarm Agent. Failure to disconnect any Automatic Dialing Device of an Alarm System which is keyed to the Department shall constitute a violation of this ordinance.

SECTION 5 - TESTING OF ALARM SYSTEMS MONITORED BY THE DEPARTMENT OF PUBLIC SAFETY

A. Testing of Direct Connect Alarm Systems.

1. As a condition to obtaining DCAS, an Alarm User shall permit the Department to test the Alarm System's operation to insure its compatibility with the Department's monitoring and/or signal receiving systems. The Department shall complete all such tests of an Alarm System contemporaneously with the Alarm System becoming connected to the Department for use and/or operation. Upon request, and prior to the Department conducting such tests, the Department shall provide notice to an Alarm User of the date and time that the Department shall conduct said tests.
2. If, in the course of the Department's testing at an Alarm Site as provided herein, the Department discovers that the Alarm System and/or the Alarm Site is in violation of the provisions of this ordinance, as amended, the Department shall prepare and promptly deliver a written report to the Alarm User explaining and/or specifying such violation(s). Said report shall also require the Alarm User to remedy and/or rectify said violation(s) within thirty (30) days after the Department's delivery of the report to the Alarm User. If an Alarm User fails to remedy and/or rectify said violation(s) within that time period allotted by the Department for same, then the Alarm User's registration for his Alarm System shall be automatically revoked. The Department's written report described herein shall also provide notice to the Alarm User of the conditions under which the Department shall automatically revoke the Alarm User's registration of his Alarm System.
3. If the Department discovers that a Direct Connect Alarm System is damaged such that it is unable, for whatever the cause, to provide the Department with a reliable Alarm Notification, the Department shall provide a written report to the Alarm User of same. Such written report shall require the Alarm User to remedy and/or rectify said damage within thirty (30) days after the Department's delivery of the report to the Alarm User. If an Alarm User fails to remedy and/or rectify said damage within this thirty (30) day time period, then the Alarm User's registration for his Alarm System shall be automatically revoked. The Department's written report described herein shall also provide notice to the Alarm User of the conditions under which the Department shall automatically revoke the Alarm User's registration of his Alarm System.

B. Testing of Non-DCAS Alarm Systems.

For all Alarm Systems with a Remote Signaling System, and which a Person and/or an Alarm Business installs or upgrades at an Alarm Site after the effective date of this ordinance, the Department reserves the right and is hereby given authority to inspect and test said Alarm System to insure its compliance with the provisions of this ordinance. At such time, the Department may also review the associated Alarm Monitoring Center's manner and means of providing an Alarm Notification, so as to determine its compatibility with the communication and receiving system used by the

Department for same. During such tests, in the event that the Department discovers that said Alarm System does not comply with this ordinance and/or that the Department's communication and receiving system is incompatible with that Alarm Monitoring Center's system that is to provide the Department with an Alarm Notification, the Department will notify the Alarm User in writing of same. The Department will then give the Alarm User thirty (30) days to bring said Alarm System into compliance with this ordinance. If an Alarm User fails to come into compliance within this thirty (30) day time period, then the Alarm User's registration for his Alarm System shall be automatically revoked.

SECTION 6 - LIMITS ON A SECURITY SYSTEM'S SOUND-PRODUCING DEVICES.

All Security Systems equipped with exterior sound-producing devices, including but not limited to gongs, buzzers, sirens, bells or horns shall be equipped with a timer and/or an automatic shut-off mechanism which limits the continuous operation of such sound-producing device to fifteen (15) minutes. However, in such instance where the Alarm Site is a Business/Commercial Establishment, said exterior sound-producing device shall be equipped to limit its continuous operation to thirty (30) minutes.

SECTION 7 - REGISTRATION OF AN ALARM SYSTEM OR A LOCAL ALARM SYSTEM.

- A. Registration Required for Security Systems.** A Person who desires to install and/or operate an Alarm System or a Local Alarm System in the Town after the effective date hereof shall register said Security System with the Department. The Department shall provide the registration form and assess that fee which is provided for same by Town resolution.
- B. Registration Information.** The Department's registration form shall be signed by the Alarm User and shall include, among other things, the following information:
1. The name, address and telephone number of the Alarm User;
 2. The name, address, and telephone number of the Alarm Business responsible for installing the Security System;
 3. The name, address, and telephone number of the Alarm Business that the Alarm User will use for purposes of servicing the Security System;
 4. When the Alarm System is not DCAS, the name, address and telephone number of the Alarm Monitoring Center for that Alarm System;
 5. The name, address and telephone number of at least three (3) other persons with access to the Alarm Site protected by the Alarm System; and

6. A description of the specific alarm activation devices to be installed at the Alarm Site, along with the manufacturer and model number of said Security System's control panel.
- C. Annual Renewal of Registration.** The registration described herein shall be valid for a twelve (12) month period from the date that the Department issues same. Thereafter, and upon the condition that the Department has not revoked said registration as provided for herein, an Alarm User shall renew his Security System's registration on an annual basis. If an Alarm User fails to renew his Security System's registration within the thirty (30) days following the expiration of said twelve (12) month period, then that Alarm System's registration with the Department will automatically cancel. Moreover, no Security System registration shall be renewed unless the Security System is in compliance with all the provisions of this ordinance, as amended.
- D. Continuance of Present Alarm Registrations.** All alarm registrations on file with the Department prior to this ordinance taking effect and not in conflict with this ordinance, shall continue in full force and effect.
- E. Penalties For Alarm Registration Violations.**
1. If an Alarm User fails to register his Security System with the Department, such act and/or omission shall constitute a violation of this ordinance;
 2. If an Alarm User operates a non-registered Security System, such act and/or omission shall constitute a violation of this ordinance; and
 3. Failure of any Alarm User to update any of the information requested in the registration form, as changes occur with the Alarm User's information, chosen Alarm Monitoring Center, or any Alarm System Upgrades, shall constitute a violation of this ordinance.

SECTION 8 - FEES

- A. Alarm System Registrations.** The annual fee that an Alarm User shall pay to the Town for the registration of his Alarm System with the Department shall be set by Town Council resolution. **All fines owing to the Town for violations of this ordinance, as amended, and/or all delinquent penalty payments owing to the Town under the provisions hereof, must be paid in full before the Department shall renew an Alarm System registration.**
- B. Testing.** No fee shall be charged for an initial testing by the Department to verify a Security System's compliance with the regulatory provisions of this ordinance. If and when it is necessary that, within any twelve (12) month period, the Department "re-tests" a Security System in order to verify said Security System's compliance with the regulatory provisions of this ordinance, the fee for same shall be set by Town Council resolution. The fee for any subsequent re-testing of that Alarm System during said twelve (12) month period shall also be set by Town Council resolution.

- C. **Re-Registration.** The fee for each re-registration of an Alarm System which the Department previously revoked under the provisions of this ordinance shall be set by Town Council resolution.
- D. All fees and service charges authorized in this ordinance shall be billed to the Alarm User through the Town's utility billing system and shall be payable, including any late charges or penalties, as provided in Town Ordinance Number 851, as amended, which regulates the payment and collection of utility bills.

SECTION 9 - CHARGES FOR INVALID ALARMS

- A. **Charges for Invalid Alarms.** The first five (5) Invalid Alarms at an Alarm Site during any twelve (12) month period, and to which the Department responds by sending one of the Department's officers to the Alarm Site, shall not result in a service charge to the Alarm User. Thereafter, and during said twelve (12) month period, each such additional response shall result in a fee set by Town Council resolution. Each Department response to an Invalid Alarm shall remain on file with the Department.
- B. **Alarm Registration Revocation.** The Department reserves the right to revoke an Alarm User's Security System registration with the Department if more than five (5) Invalid Alarms at his Alarm Site are responded to by the Department, as described above, in the same calendar month, or, more than twelve (12) in any twelve (12) month period. In addition, the Department may revoke an Alarm User's registration if said Alarm User fails to pay all Invalid Alarm charges to the Town within thirty (30) days of that Invalid Alarm to which the penalty set forth herein applies.
- C. **Re-Registration.** In such instances where the Department revokes an Alarm User's registration of his Security System, nothing herein shall prevent said Alarm User from coming into compliance with the provisions of this ordinance, and re-registering his Security System with the Department.

SECTION 10 - NOTICE

Any notice provided for in this ordinance, and to be given by the Department, shall be in writing and shall be deemed given when personally delivered to the Alarm User, or two (2) business days after being deposited in the United States mail, postage prepaid, certified, and return receipt requested, to the address stated in the Alarm User's registration form for the Alarm System in question, or, two (2) business days after the Department affixes such notice on the doorway/entryway of the Alarm Site in question.

The Department of Public Safety shall prepare a written notice of the requirements of this ordinance to be distributed by the Building Inspection Department at the time application for a building permit is made. By obtaining a building permit for work within the scope of this ordinance, the applicant agrees to abide by this ordinance and allow the reasonable inspection of the premises by the Department of Public Safety for compliance with this ordinance.

SECTION 11 - PENALTY

In addition to those penalties previously set forth herein, any Person that shall fail to comply with or that shall violate any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, may be fined as provided in Section 1-7 of the Code of Ordinances of the Town of Highland Park, Texas.

SECTION 12 - SEVERABILITY

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

SECTION 13 - VALIDITY

That, all ordinances of the Town of Highland Park in conflict with the provisions of this ordinance are hereby, repealed, and all other provisions of the ordinances of the Town of Highland Park not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 14 - INCORPORATION

This ordinance shall be deemed to be incorporated into the Code of Ordinances of the Town of Highland Park, Texas.

SECTION 15 - EFFECTIVE DATE

This ordinance shall take effect immediately following its passage, approval and publication as provided by law.

PASSED AND APPROVED this 26th day of February 2007.

APPROVED AS TO FORM:


Albert D. Hammack,
Town Attorney

APPROVED:


William D. White, Jr.
Mayor

ATTEST:


James Fisher
Town Secretary

ORDINANCE NO. 1773

AN ORDINANCE OF THE TOWN OF HIGHLAND PARK, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF HIGHLAND PARK, AS HERETOFORE AMENDED, BY AMENDING **CHAPTER 4 BUSINESS REGULATIONS, ARTICLE 4.02 ALARM SYSTEMS**, REGULATING THE INSTALLATION OF FIRE DETECTION AND BURGLAR ALARM SYSTEMS TO PROVIDE FOR PERMIT REQUIREMENTS, REGISTRATION OF CONTRACTORS, AND PERMITTING FEES; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HIGHLAND PARK, TEXAS THAT:

SECTION 1. That **ARTICLE 4.02 ALARM SYSTEMS** of the Code of Ordinances of the Town of Highland Park, Texas, is hereby amended in part as follows:

Section 4.02.002 Standards for alarm systems and local alarm systems is *amended* to read as follows:

(7) is *added* and shall read as follows:

- (7) It shall be unlawful for any person, firm, or corporation to install, repair, alter, or replace a burglar/fire detection system, equipment, fixtures, and/or appurtenances until a burglar/fire detection system permit has been issued. Plans and specifications to cover proposed work must be submitted to the Building Inspection Department and approved by the Fire Marshal or his designee prior to issuance of a permit.

Section 4.02.006 Registration of an alarm system or a local alarm system is *amended* to read as follows:

(f) is *added* and shall read as follows:

(f) Registration of burglar/fire detection contractors

- (1) Any person who installs, repairs, alters or replaces a fire detection system shall adhere to guidelines set forth by the Texas Department of Insurance, State Fire Marshal's Office.
- (2) Any person who installs, repairs, alters or replaces a burglar alarm system shall adhere to guidelines set forth by the Private Security Bureau, Texas Department of Public Safety.
- (3) Persons who install, repair, alter or replace fire detection systems or burglar alarm systems are required to register annually with the

Town. Registration will expire on January 31st of each year. To register, an application shall be made in writing on forms furnished for that purpose along with a seventy-five dollar (\$75.00) registration fee, and filed with the Building Inspection Department. This application shall contain a copy of the contractor's State registration from the State Fire Marshal's Office for the fire detection system. This application shall contain a copy of the contractor's State registration from the Texas Department of Public Safety for the burglar alarm system.

Section 4.02.007 Fees is *amended* to read as follows:

(e) is *added* and shall read as follows:

(1) Permit fees covering the installation, repair, alteration, or replacement of fire suppression systems, equipment, fixtures, fittings and/or appurtenances, shall be paid to the Town as follows:

\$50.00-\$3,000.00 \$30.00

\$3,000.00 and up 1% of value to nearest \$1,000.00

(2) All but \$50.00 of the permit fee can be refunded if work has not commenced and request for refund is made in writing no more than thirty (30) days from issuance of permit.

SECTION 2. This ordinance shall be deemed to be incorporated into the Code of Ordinances of the Town of Highland Park, Texas.

SECTION 3. All other provisions of **CHAPTER 4 BUSINESS REGULATIONS** and any other ordinance of the Town of Highland Park in conflict with any provision of this ordinance be, and the same are hereby repealed, and all other provisions of Chapter 4 and any other ordinance of the Town of Highland Park not in conflict with any provision of this ordinance, shall remain in full force and effect.

SECTION 4. The penalty provision of Chapter 1, Section 1.01.009 of the Code of Ordinances of the Town of Highland Park is hereby adopted for this ordinance.

SECTION 5. Should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or be held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part thereof decided to be unconstitutional, illegal, or invalid, and the same shall not affect the validity of the Code of Ordinances of the Town of Highland Park as a whole.

SECTION 6. This Ordinance shall be in effect starting October 1, 2008. Permits obtained beginning with this date shall adhere to the establish requirements.

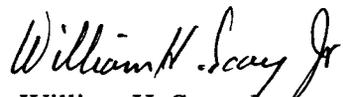
PASSED AND APPROVED by the Town Council of the Town of Highland Park, Texas, on this the 27th day of October, 2008.

APPROVED AS TO FORM:



Albert D. Hammack
Town Attorney

APPROVED:



William H. Seay, Jr.
Mayor

ATTEST:



James Fisher
Town Secretary