

ORDINANCE NO. 24-53

AN ORDINANCE OF THE CITY OF GRANBURY, TEXAS, AMENDING ARTICLE 4.14, ALARM SYSTEMS, OF THE GRANBURY CODE OF ORDINANCES; PROVIDING FOR A CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Granbury, Texas is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council deems it in the public interest to amend the regulations governing the issuance of alarm permits within the city limits of Granbury.

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

SECTION 1.

Section 4.14.002 of Article 4.14 of Chapter 4 Business Regulations of the Granbury City Code is hereby amended to read as follows:

- (a) No person shall operate or cause to be operated an alarm system within the city without an alarm permit issued by the city ~~secretary or her representative~~. A separate permit is required for each alarm system.
- (b) A permit is valid for a period of two (2) years from the date of issuance and must be renewed by submitting an updated application and payment of the fee required. *The permit fee is provided for in the fee schedule in chapter 1, article 1.50 of this code.* It is the responsibility of the permit holder to submit an application prior to the permit expiration date.

SECTION 2.

Section 4.14.003 of Article 4.14 of Chapter 4 Business Regulations of the Granbury City Code is hereby amended to read as follows:

- (a) Applications for alarm permits shall be filed ~~with the chief of police or his representative~~ on forms provided by the city.
- (b) A fee provided for in the fee schedule in chapter 1, article 1.50 of this code shall be charged for the issuance of each permit.
- (c) Each permit application must contain the following information:

(1) Name, address and telephone number of the permit holder who will be responsible for the proper maintenance and operation of the alarm system and payment of fees assessed by this article;

(2) Address, telephone number and location (if P.O. Box number used) of the alarm business office;

(3) A description, by brand, serial number and general type of alarm system in use stating the manner in which the alarm will be given and, if the alarm is to be transmitted to a central office, the address and telephone number of the central office;

(4) The name and telephone number of contact persons who possess information necessary to deactivate the alarm system in the event the permit holder is unavailable;

(5) Other reasonable information required ~~by the chief of police, fire chief or their representatives which is necessary~~ for the administration or enforcement of this article.

(d) Upon receipt of a completed application form and the required application fee, the chief of police or his representative shall issue an alarm permit to an applicant except for one of the reasons listed in section 4.14.005 below.

SECTION 3.

Section 4.14.005 of Article 4.14 of Chapter 4 Business Regulations of the Granbury City Code is hereby amended to read as follows:

(a) ~~The chief of police or his representative may revoke or refuse to issue~~ An alarm permit *may be revoked or refused to issue* if ~~he determines it is determined~~ that:

(1) There is a false statement of material matter in the application for permit;

(2) The applicant has failed to make payment of the required application fee;

(3) The permit holder has failed to make payment of a service fee assessed by this article within twenty (20) days of receiving notice to do so;

(4) The applicant or permit holder has violated any provision of this article;

(5) The alarm system directly or indirectly, either by malfunction or accidental act of the alarm user, has caused more than nine (9) police and/or fire responses to a false alarm within any twelve-month period;

(6) An alarm permit for the same address has previously been revoked and the violation causing the revocation has not been corrected.

(b) An alarm user commits an offense if he operates an alarm system during the period in which his alarm permit is revoked or during any period in which the alarm user does not have a valid alarm permit.

SECTION 4.

Section 4.14.006 of Article 4.14 of Chapter 4 Business Regulations of the Granbury City Code is hereby amended to read as follows:

(a) A permit holder shall:

- (1) Maintain the premises containing an alarm system in a manner that assures proper operation of the alarm system;
- (2) Maintain the alarm system in a manner that will minimize false alarm notification;
- (3) Respond or cause a representative of the alarm business to respond, within a reasonable period of time, to a malfunctioning alarm system, for the purpose of deactivating or repairing the alarm system, for providing access to the premises or for providing security for the premises;
- (4) Refrain from manually activating an alarm without prior notification to the police department for any reason other than the occurrence of an event that the alarm system was intended to report;
- (5) Notify the police department prior to activating an alarm for maintenance and/or test purposes. *Fire alarm notifications shall also be made to the Fire Marshal.*

(b) A permit holder shall not utilize any alarm system which causes an audible signal to be emitted for more than fifteen (15) minutes after being activated or which emits a subsequent alarm without being manually reset.

SECTION 5.

Section 4.14.007 of Article 4.14 of Chapter 4 Business Regulations of the Granbury City Code is hereby amended to read as follows:

- (1) Prior to installing any alarm system within the corporate limits of the city register with the city and provide the police department with proof that said alarm business has satisfied all licensing requirements of the state;
- (2) Communicate alarm notification to the ~~city local dispatch center immediately and in a manner and form determined by the chief of police, fire chief, fire marshal or their representatives;~~ and
- (3) Comply with the requirements of this article and any rules and regulations promulgated by the ~~chief of police, fire chief or their representatives~~ city.

SECTION 6.

Section 4.14.008 of Article 4.14 of Chapter 4 Business Regulations of the Granbury City Code is hereby amended to read as follows:

(a) Except as otherwise provided in subsections (b), (c) and (d) below, the holder of an alarm permit shall pay a service fee provided for in the fee schedule in chapter 1, article 1.50 of this code for each false alarm notification emitted from any alarm system ~~that is in excess of two (2) false alarms within any calendar month.~~

(b) Grace period. If the person notifies the ~~chief of police or his representative~~ city and applies for an alarm permit before a new alarm system is put into service, no service fee will be assessed during the first thirty (30) days after the system becomes operational, and any alarm notification during that period will not be counted in determining when a service fee is assessed.

(c) If ~~the responding police officer or fire official determines~~ *it is determined* that an alarm notification was caused by unauthorized intrusion, attempted unauthorized intrusion, robbery, attempted robbery, fire, medical emergency or an attempt to take a person hostage, that notification will not be counted in determining when a service fee will be charged.

(d) An alarm notification will not be counted in determining when a service fee will be assessed if the permittee can prove that the alarm notification was the result of a severe weather condition, such as a tornado, hurricane, earthquake or other weather condition that causes physical damage to the alarm site, or is the result of a malfunction in the telephone lines for transmission of alarm signals, proof of the latter being documented upon the telephone company work orders or time stamped records from the alarm company showing the period of interrupted service. A permit holder has ten (10) days to produce evidence for changing the status of a use alarm to a true alarm.

SECTION 7.

Section 4.14.009 of Article 4.14 of Chapter 4 Business Regulations of the Granbury City Code is hereby amended to read as follows:

(a) If the ~~chief of police or his representative~~ city refuses to issue or renew a permit, or revokes a permit, he shall send to the applicant or permit holder by certified mail, return receipt requested, written notice of his action and a statement of the right to an appeal.

(b) The applicant or permit holder may appeal the decision of the ~~chief of police or his~~ city representative to the city manager or his/*her* representative by filing with the city manager or his/*her* representative 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 of police or his representative of the revocation or refusal to issue a permit.

(c) The filing of the request for an appeal hearing with the city manager or his representative stays an action of the chief of police or his representative in revoking a permit until the city manager or

his representative makes a final decision. If a request for an appeal hearing is not made within the ten-day period, the action of the chief of police or his representative is final.

(d) The city manager or his representative shall set a time and place for the hearing, which shall be served upon the applicant or permit holder by certified mail, return receipt requested. The city manager or his representative shall serve as hearing officer at an appeal and consider relevant evidence by any interested person.

(e) The formal rules of evidence do not apply to an appeal hearing. All parties to the hearing shall have the right to present evidence and shall have the right to cross-examine witnesses. The hearing officer shall make his decision on the basis of a preponderance of the evidence within fifteen (15) days after the hearing is held. The time for the hearing of an appeal may be extended by an agreement of the parties involved. The hearing officer may affirm, reverse or modify the action of the chief of police or his representative. The decision of the hearing officer is final as to administrative remedies within the city.

SECTION 8.

Section 4.14.010 of Article 4.14 of Chapter 4 Business Regulations of the Granbury City Code is hereby amended to read as follows:

4.14.010 ~~Violation.~~ *Reserved*

~~(a) A person commits an offense if he violates by commission or omission any provision of this article that imposes upon him a duty or responsibility.~~

~~(b) A person who violates a provision of this article is guilty of a separate offense for each day or portion of a day during which the violation is committed, continued or permitted, and each violation is punishable by a fine of not less than fifty and no/100 dollars (\$50.00) nor more than five hundred and no/100 dollars (\$500.00) upon first conviction and not less than seventy-five and no/100 dollars (\$75.00) nor more than five hundred dollars (\$500.00) upon second and subsequent convictions.~~

SECTION 9.

This ordinance shall be cumulative of all provisions of ordinances and the Code of the City of Granbury, Texas as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 10.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance, since

the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 11.

All rights and remedies of the City of Granbury are expressly saved as to any and all violations of the provisions of any ordinances that have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 12.

The City Secretary of the City of Granbury is hereby directed to publish in the official newspaper of the City of Granbury, the caption and penalty clause of this ordinance one time as authorized by Section 2.13 of the City Charter.

SECTION 13.


This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED on the 17th day of September 2024.



JIM JARRATT, MAYOR

ATTEST:



CARLA WALKER, CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:



JEREMY SORELLE, CITY ATTORNEY

