

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS AMENDING CHAPTER 97 “ALARM SYSTEMS” OF THE CITY OF MANSFIELD, TEXAS, CODE OF ORDINANCES BY; AMENDING ALARM SYSTEM FEE SCHEDULES, DUTIES AND AUTHORITY OF THE ALARM ADMINISTRATOR; AND THE DEFINITION OF FALSE ALARM NOTIFICATION; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

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

WHEREAS, the City Council of the City of Mansfield has previously adopted regulations governing ALARM SYSTEMS; and,

WHEREAS, the City Council has determined that the amendments to the Code of Ordinances as set out herein are in the best interest of the health, safety and general welfare of the citizens of Mansfield and the public.

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

SECTION 1.

Section 97.01 “Definitions” of Chapter 97 “Alarm Systems” of the City of Mansfield, Texas Code of Ordinances shall be amended to read as follows:

FALSE ALARM NOTIFICATION. An alarm notification to the City of Mansfield when a police officer is dispatched to respond to the location by the alarms system company or the responding officer finds, through an inspection of the interior or exterior of the alarm site, no evidence of an attempted or actual unauthorized intrusion, burglary, robbery or hostage taking and the officer has responded to the site within 30 minutes of the city receiving the alarm notification. Duress, Panic and Hold up alarms or alarm calls cancelled prior to an officer’s arrival are not considered false alarms.

SECTION 2.

Section 97.05 "Duties of Alarm Installation Company and Monitoring Company" subsection “10” of section “E” and section “F” of Chapter 97 "Alarm Systems" of the City of Mansfield, Texas Code of Ordinances shall be removed in their entirety:

SECTION 3.

Section 97.06 “Duties and Authority of the Alarm Administrator” of Chapter 97 “Alarm Systems” of the City of Mansfield, Texas Code of Ordinances shall be amended and section “H” will be added to read as follows:

(H) Upon receipt of evidence showing the alarm user has taken steps to restore the alarm system to a proper working condition and has worked to prevent further false alarms, the Alarm Administrator may waive or reduce fees imposed against the alarm permit holder.

SECTION 4.

Section 97.07 “Fines” of Chapter 97 “Alarm Systems” of the City of Mansfield, Texas Code of Ordinances shall be amended and subsection “E” will be removed and subsections “F” and “G” will be renumbered.

SECTION 5.

Section 97.09 “Appeals” of Chapter 97 “Alarm Systems” of the City of Mansfield, Texas Code of Ordinances section “E” subsection “3” shall be amended to read as follows:

(3) Evidence that a false alarm was caused by a power outage;

SECTION 6.

Section 97.11 “Confidentiality” of Chapter 97 “Alarm Systems” of the City of Mansfield, Texas Code of Ordinances shall be amended read as follows:

In the interest of public safety, all information contained in and gathered through the alarm permit applications and applications for appeals shall be held in confidence by all employees or representatives of the city and by any third-party administrator or employees of a third-party administrator with access to such information with the exception of information that must be disclosed under the Freedom of Information Act, the Texas Public Information Act, as required by applicable law.

SECTION 7.

Section 97.99 “Penalty” “Appendix A: Fine and Fee Table” of Chapter 97 “Alarm Systems” of the City of Mansfield, Texas Code of Ordinances shall be amended read as follows:

| <i>FEE TYPE</i> | <i>CODE SECTION</i> | <i>FEE PURPOSE</i> | <i>FEE AMOUNT</i> |
|---------------------------------|---|---|------------------------------|
| Permit | <u>97.02</u> | Residential site permit (initial issuance) (Persons 65 years of age or older are exempt from this permit fee) | \$50.00 |
| Permit | <u>97.02</u> | Residential site permit (renewal) (Persons 65 years of age or older are exempt from this permit fee) | \$25.00 (annually) |
| Permit | <u>97.02</u> | Commercial/church site permit (issuance/renewal) | \$100.00 (annually) |
| Permit | <u>97.02</u> | Financial institution site permit (issuance/renewal) | \$200.00 (annually) |
| Permit | <u>97.02</u> | Government/education site permit | No fee |
| Late fee | <u>97.03</u> | Permit received 30-days past expiration | \$10.00 |
| Service | <u>97.07</u> | Alarm system company providing incorrect information | \$25.00 |
| No permit fee | <u>97.07</u> | Operating a non-permitted alarm system (may be waived by obtaining permit) | \$100.00 (per incident) |
| Fine-Suspension | <u>97.07</u> | Operating an alarm system during alarm permit suspension | \$200.00 |
| Administrative | <u>97.06</u> | Mandatory performance review (failure to attend) | \$25.00 |
| Appeal | <u>97.09</u> | Appeal processing fee | \$25.00 |
| Administrative | <u>97.10</u> | Reinstatement of suspended permit | \$25.00 |
| Fine-False Alarm Fee | <u>97.07</u> | 4th and 5th 6th and any subsequent false alarm within the preceding 12-month period | \$50.00 |
| Fine | <u>97.07</u> | 6th and 7th false alarm within the preceding 12-month period | \$75.00 |
| Fine | <u>97.07</u> | 8th and any additional false alarms within the preceding 12-month period | \$100.00 |
| Fine | <u>97.07</u> | Monitoring company failure to verify | \$100.00 |
| Fine | <u>97.07</u> | False statement by alarm company employee | \$200.00 |
| Fine | <u>97.05</u> | Failure to comply or violation of § <u>97.05</u> | \$200.00 (per incident) |

SECTION 8.

That all Ordinances of the City in conflict with the provisions of this Ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provision of this Ordinance shall remain in full force and effect.

SECTION 9.

Should any paragraph, sentence, 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 of provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not affect the validity of the Mansfield Code of Ordinances as a whole.

SECTION 10.

Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined no more than Two Thousand Dollars (\$2,000.00) for all violations involving zoning, fire safety or public health and sanitation, and shall be fined not more than Five Hundred Dollars (\$500.00) for all other violations of this Ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 11.

All rights and remedies of the City of Mansfield are expressly saved as to any and all violations of the provisions of the Code of Ordinance of the City of Mansfield, as amended, or any other ordinances affecting animals or animal control which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending 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 Mansfield is hereby directed to publish this ordinance as required by law.

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.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
MANSFIELD, TEXAS, THIS 26TH DAY OF APRIL, 2021.**

Michael Evans, Mayor

ATTEST:

Susana Marin, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Allen Taylor, City Attorney