

CHAPTER 7

OFFENSES & NUISANCES*

Article 7.100:	Noise Nuisances	7-3
Article 7.200:	Curfew for Minors	7-5
Article 7.300:	Alcoholic Beverage Consumption	7-9
Article 7.400:	Abandoned and Junked Vehicles	7-9
Article 7.500:	Discharge of Firearms and Other Weapons	7-14
Article 7.600:	Disorderly Conduct	7-15
Article 7.700:	Registration of Alarm Systems	7-15

* **State Law reference**—Authority of governing body to adopt ordinance, rule or police regulation for the good government, peace or order of the municipality, V.T.C.A., Local Government, Section 51.001; Authority of city to define and declare nuisance, V.T.C.A., Local Government Code, Section 217.002.

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ARTICLE 7.100 NOISE NUISANCES*

Sec. 7.101 Prohibited

The creation of any unreasonably loud, disturbing, and unnecessary noises in the city constitutes a nuisance and is prohibited. Noises of such character, intensity, and duration as are reasonably calculated to cause material distress, discomfort or injury to persons of ordinary sensibilities, or to be detrimental to the life or health of any ordinarily reasonable persons are prohibited.

Sec. 7.102 Enumeration

The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this code; provided, however, such enumeration shall not be construed to be exclusive of other noises:

- (1) The sounding of any horn or signal device on any automobile, motorcycle, bus, or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for any unnecessary and unreasonable period of time.
- (2) The playing of any radio, phonograph, or any musical instrument in such manner, or with such volume, particularly during the hours between 11:00 p.m. and 7:00 a.m. as to create a noise such as is reasonably calculated to disturb a person of ordinary disposition under the same or similar circumstances residing in a dwelling or other type of residence in the vicinity. No stationary loudspeaker or amplifier shall be operated on any weekday between the hours of 11:00 p.m. and 7:00 a.m., and no such stationary loudspeaker or amplifier shall be operated at any time on Sunday between the hours of 7:00 a.m. and 1:00 p.m. This provision shall not apply to bells or chimes.
- (3) The use of any automobile, motorcycle, streetcar, or vehicle so out of repair, so loaded or operated in such manner as to create loud or unnecessary noises such as spinning or squealing tires, grating, grinding, rattling, or other noise.
- (4) The blowing of any steam whistle attached to any stationary boiler except to give notice of time to begin or stop work or as a warning of danger.

* **State Law reference**—Authority of municipality to restrain or prohibit the ringing of bells, blowing of horns, hawking of goods, or any other noise, V.T.C.A., Local Government Code, Section 217.003.

- (5) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or boat engine except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (6) The use of any mechanical device operated by compressed air, except pneumatic drills, unless the noise thereby created is effectively muffled and reduced.
- (7) The erection, including excavation, demolition, alteration or repair of any building in or adjacent to a residential district, other than between 7:00 a.m. and 6:00 p.m., on weekdays and 8:00 a.m. and 6:00 p.m. on Saturdays, and 9:00 a.m. and 5:00 p.m. without heavy equipment on Sundays, except in the case of urgent necessity or on the interest of public safety for which a permit should be obtained from the mayor, or his designee, prior to any deviation of these hours.
- (8) The creation of any excessive noise on any street adjacent to any school, institution of learning, or court while the same are in session, or adjacent to any hospital, which unreasonably interferes with the working of such institution, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital, or court street.
- (9) The creation of a loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates, and containers.
- (10) The sounding of any bell or gong attached to any building or premises which is reasonably calculated to disturb a person or ordinary disposition if such person were in the vicinity thereof.
- (11) The shouting and crying of peddlers, hawkers, and vendors which disturbs the quiet and peace of the neighborhood.
- (12) The use of any drum, loudspeaker, or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show, or sale of merchandise.
- (13) The use of loudspeakers or amplifiers on trucks or other vehicles, except where specific license is granted by the mayor, or his designee.
- (14) The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort and repose of any person or ordinary sensibilities in the immediate vicinity.

Sec. 7.103 Proprietor's Responsibility

It shall be unlawful for any person owning, leasing, operating, managing, or supervising any public place of business to permit or allow any such loud noise as specified in Sections 7.102 and 7.103.

(Ordinance adopting Code)

ARTICLE 7.200 CURFEW FOR MINORS**Sec. 7.201 Definitions**

In this article:

- (1) Chief of Police means the chief of police of the City of Ladonia or a designated representative.
- (2) Curfew Hours means:
 - (A) 10:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. of the following day beginning with the first day of school of the School District and ending on the next to the last day of school of the School District; and
 - (B) 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. of the following day beginning with the last day of school of the School District and ending on the day before school commences in the School District; and
 - (C) 12:01 a.m. until 6:00 a.m. on any Friday or Saturday.
- (3) Direct Route means the shortest path of travel through a public place to reach a final destination without any detour or stop along the way.
- (4) Emergency means, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
- (5) Establishment means any privately-owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

- (6) Holding Location means a place designated by the chief of police to which a minor taken into custody for a violation of this section will be delivered to await pickup by a parent or juvenile authorities.
- (7) Minor means any person under 17 years of age.
- (8) Operator means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.
- (9) Parent means a person who is:
 - (A) a natural or adoptive parent of another person.
 - (B) a court-appointed guardian or another person; or
 - (C) at least 21 years of age and authorized by a parent or court-appointed guardian to have the care and custody of another person.
- (10) Public Place means any street, alley, highway, sidewalk, playground, park, plaza, building, or other place used by or open to the public.
- (11) Remain means to:
 - (A) linger or stay unnecessarily; or
 - (B) fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

Sec. 7.202 Offenses

- (a) A minor commits an offense if he remains in any public place or on the premises of any establishment within the city during curfew hours.
- (b) A parent of a minor commits an offense if he knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the city during curfew hours.
- (c) The owner, operator, or any employee of an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

Sec. 7.203 Defenses

- (a) If it is a defense to prosecution under Section 7.202 that the minor was:
- (1) accompanied by the minor's parent;
 - (2) on an errand at the direction of the minor's parent and was using a direct route;
 - (3) in a motor vehicle involved in interstate travel;
 - (4) engaged in an employment activity, including but not limited to newspaper delivery, and was using a direct route;
 - (5) involved in an emergency;
 - (6) on the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police officer about the minor's presence
 - (7) attending an official school or religious activity or returning home by a direct route from an official school or religious activity.
 - (8) exercising first Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly; or
 - (9) married or had been married or had disabilities of minority removed in accordance with Chapter 31 of the Texas Family Code.
- (b) It is a defense to prosecution under Section 7.202(c) that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

Sec. 7.204 Enforcement

- (a) A police officer, upon finding a minor in violation of Section 7.202(a), shall:
- (1) ascertain the name and address of the minor;
 - (2) issue to the minor a written citation that the minor is in violation of Section 7.202(a); and
 - (3) order the minor to go promptly home by a direct route.

(b) Notwithstanding subsection (a) of this section, a police officer, upon finding a minor in violation of Section 7.202(a), may take the minor into custody and deliver the minor to a holding location if:

- (1) the minor has received two previous written citations for a violation of Section 7.202(a); or
- (2) reasonable grounds exist to believe the minor has engaged in delinquent conduct or conduct indication a need for supervision in accordance with Section 51.03 and 52.01 of the Texas Family Code.
- (3) When a minor is taken into custody under this subsection, the police department shall immediately notify a parent to pick up the minor at the holding location. After a parent arrives at a holding location and provides the information required by the chief of police to file an incident report, the minor shall be released into the custody of the parent. If a parent cannot be located or fails to take charge of the minor, the minor shall be released to the juvenile authorities.
- (4) If a minor is not taken into custody for a violation of Section 7.202(a), the police department shall by certified mail, return receipt requested, notify a parent of the minor that the minor has violated Section 7.202(a), and include a warning that any subsequent violation may result in prosecution of the minor and the parent under this section. If the minor was found in violation of Section 7.202(a) at an establishment, the police department shall by certified mail, return receipt requested, notify the owner, operator, or employee of the establishment of the violation and include a warning that any subsequent violation may result in prosecution of the owner, operator, and employee under this section.
- (5) A police officer shall, within 24 hours after find a minor in violation of Section 7.202(a), file a written report on the incident or assist to the extent possible in the preparation and filing of the report by a supervisor.

Sec. 7.205 Penalties

(a) A parent of a minor who violates Section 7.202(b), in this section is, upon conviction, punishable by a fine in accordance with the general penalty provision found in Section 1.106 of this code.

(b) Any minor who violates Section 7.202(a), of this section three or more times within 24-month period is subject to appropriate action by a juvenile court in accordance with Chapters 51 and 52 of the Texas Family Code.

(c) The owner, operator, or employee of an establishment who violates Section 7.202(c), of this section is, upon conviction, punishable by a fine in accordance with the general penalty provision found in Section 1.106 of this code.

(d) A minor may be prosecuted in municipal court for a violation of Section 7.202(a), by a fine in accordance with the general penalty provision found in Section 1.106 of this code.

(Ordinance adopting Code)

ARTICLE 7.300 ALCOHOLIC BEVERAGE CONSUMPTION

(a) No alcoholic beverages, as defined in the Alcoholic Beverage Code, shall be consumed in any public place at any time within the corporate limits of the City of Ladonia.

(b) No person shall possess any alcoholic beverage in any public place for the purpose of consuming the same in such a public place.

(c) Any alcoholic beverage possessed in violation of this article is declared to be an illicit beverage and may be seized without warrant to be used as evidence of a violation of law, and any person in possession thereof or who otherwise violates any provisions of this article may be arrested without warrant.

(d) Any person who violates any provision of this article shall be guilty of a misdemeanor and shall be punished by a fine in accordance with the general penalty provision found in Section 1.106 of this code.

(Ordinance A-8 adopted 10/13/77)

ARTICLE 7.400 ABANDONED AND JUNKED VEHICLES*

Sec. 7.401 Definitions

For purposes of this article, the following definitions shall apply:

Abandoned motor vehicle. Means a motor vehicle that is inoperable and more than five years old and left unattended on public property for more than 48 hours, or a motor vehicle that has remained illegally on public property for a period of more than 48 hours, or a motor vehicle that has remained illegally on public property for a period of more than 48 hours, or a motor vehicle that has remained on private property without the consent of

* State Law reference—Regulation of abandoned and junked motor vehicles, V.T.C.S., Art. 4477-9a, Sec. 5.01, et. seq.

the owner or person in control of the property for more than 48 hours, or a motor vehicle left unattended on the right-of-way of a designated county, state, or federal highway within this state for more than 48 hours or for more than 12 hours on a turnpike project constructed and maintained by the Texas Turnpike Authority.

Demolisher. Means a person whose business is to convert a motor vehicle into processed scrap or scrap metal or to otherwise wreck or dismantle a motor vehicle.

Garagekeeper. Means an owner or operator of a parking place or establishment, motor vehicle storage facility, or establishment for the servicing, repair, or maintenance of a motor vehicle.

Junked vehicle. Means a motor vehicle as defined in Section 1, Chapter 42, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6701d-11, Vernon's Texas Civil Statutes):

- (1) that is inoperative; and
- (2) that does not have lawfully affixed to it either an unexpired license plate or a valid motor vehicle safety inspection certificate, that is wrecked, dismantled, partially dismantled, or discarded, or that remains inoperable for a continuous period of more than 45 days.

Storage facility. Means a garage, parking lot or any type of facility or establishment for the servicing, repairing, storing, or parking of motor vehicles.

Motor vehicle. Means a motor vehicle subject to registration under the Certificate of Title Act (Article 6687-1, Vernon's Texas Civil Statutes), except that for purposes of this article, it shall also mean a motorboat, outboard motor, or vessel subject to registration under Chapter 31, Texas Parks and Wildlife Code.

Antique auto. Means a passenger car or truck that was manufactured in 1925 or before, or a passenger car or truck that is at least thirty-five (35) years old.

Special interest vehicle. Means a motor vehicle of any age that has not been altered or modified from original manufacturer's specifications and, because of its historic interest, is being preserved by hobbyists.

Collector. Means the owner of one (1) or more antique or special interest vehicles who collects, purchases, acquires, trades, or disposes of special interest or antique vehicles or parts of them for personal use in order to restore, preserve, and maintain an antique or special interest vehicle for historic interest.

Sec. 7.402 Abandoned Motor Vehicles to be Taken into Custody

The police department may take into custody an abandoned motor vehicle found on public or private property. The police department may employ its own personnel, equipment, and facilities to remove, preserve, and store an abandoned motor vehicle it takes into custody.

Sec. 7.403 Notice to Owner and Lien Holders

(a) Upon the impoundment of an abandoned motor vehicle, the police department shall notify within ten (10) days thereof, by certified mail, the last known registered owner of the motor vehicle and all lien holders of record that the vehicle has been taken into custody. The notice shall describe the year, make, model, and vehicle identification number of the abandoned motor vehicle, set forth the location of the facility where the motor vehicle is being held, inform the owner and any lien holders of their right to reclaim the motor vehicle not later than the twentieth day after the date of the notice, on payment of all towing, preservation, and storage charges resulting from placing the vehicle in custody. The notice shall also state that the failure of the owner or lien holders to exercise their right to reclaim the vehicle within the time provided constitutes a waiver by the owner and lien holders of all right, title, and interest in the vehicle and their consent to the sale of the abandoned motor vehicle at a public auction.

(b) If the identity of the last registered owner cannot be determined, if the registration contains no address for the owner, or if it is impossible to determine with reasonable certainty the identity and addresses of all lien holders, notice by one (1) publication in one (1) newspaper of general circulation in the city is sufficient notice under this article. The notice by publication may contain multiple listings of abandoned vehicles, shall be published within the time requirements prescribed by certified mail, and shall have the same contents required for a notice by certified mail.

(c) The police department, or in the event the police department hires as its agent persons, equipment, and facilities to remove, preserve, and store an abandoned motor vehicle it takes into custody, is entitled to reasonable storage fees for a period of not more than ten (10) days beginning on the date the department takes custody and continuing through the day the department mails notice as provided by this section, and a period beginning on the day after the day the department mails notice and continuing through the day any accrued charges are paid and the vehicle is removed.

Sec. 7.404 Sale of Abandoned Vehicles; Proceeds

If an abandoned motor vehicle has not been reclaimed as provided above, the police department shall sell the abandoned motor vehicle at a public auction. Proper notice of the public auction shall be given. The purchaser of the motor vehicle takes title to the motor vehicle free and clear of all liens and claims of ownership, shall receive a sales receipt from the police department, and is entitled to register the purchased vehicle and

receive a certificate of title. From the proceeds of the sale of an abandoned motor vehicle, the police department shall reimburse itself for the expenses of the auction, the cost of towing, preserving, and storing the vehicle that resulted from placing the abandoned motor vehicle in custody, and all notice and publication costs incurred, if any. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or entitled lien holder for ninety (90) days and then shall be deposited in a special fund that shall remain available for the payment of auction, towing, preserving, storage, and all notice and publication costs that result from placing another abandoned vehicle in custody, if the proceeds from a sale of another abandoned motor vehicle are insufficient to meet these expenses and costs.

Sec. 7.405 Garagekeepers and Abandoned Motor Vehicles

A motor vehicle left for more than ten (10) days in a storage facility operated for commercial purposes after notice is given by registered or certified mail, return receipt requested, to the owner and to any lien holder of record to pick up the vehicle or under any of the other circumstances of Section 5.05(a), Article 4477-9a, Vernon's Texas Civil Statutes, shall be subject to the provisions of said Section 5.05.

Sec. 7.406 Disposal to Demolishers

Any person, firm, corporation, or unit of government on whose property or in whose possession is found any abandoned motor vehicle and a person who is the owner of a motor vehicle whose title certificate is faulty, lost, or destroyed, may apply to the state department of highways and public transportation for authority to sell, give away, or dispose of the vehicle to a demolisher. The application shall be governed by Section 5.06, Article 4477-9a, Vernon's Texas Civil Statutes, as amended.

Sec. 7.407 Junked Vehicles as Public Nuisance; Penalty; Abatement

A junked vehicle that is located in a place where it is visible from a public place or a public right-of-way is detrimental to the safety and welfare of the general public, tends to reduce the value of private property, invites vandalism, creates fire hazards, constitutes an attractive nuisance creating a hazard to the health and safety of minors, and is detrimental to the economic welfare of the city by producing urban blight, adverse to the maintenance and continuing development of the city, and is a public nuisance. Any person, firm, or corporation maintaining a public nuisance as defined above shall be guilty of a misdemeanor and, upon conviction, subject to a fine in accordance with the general penalty provision found in Section 1.106 of this code, and each and every day the maintenance of such public nuisance shall continue shall be deemed to constitute a separate offense. Upon conviction in the municipal court of the City of Ladonia, Texas, the court shall order removal and abatement of such public nuisance.

Sec. 7.408 Procedures for Abating Nuisance

- (a) Upon complaint or upon its own initiative, the police department may initiate appropriate official action to remove and abate a public nuisance in the nature of a junked vehicle. Upon initiation of the action, the owner or occupant of the private premises (or the owner or occupant of the public premises or the owner or the occupant of the premises adjacent to the public right-of-way) whereupon the public nuisance exists, together with the last known registered owner of the junked motor vehicle and any lien holder of record, shall be notified by a regularly salaried, full-time employee of the City of Ladonia, by certified mail with a five-day return receipt requested, that the nuisance exists, that it must be removed and abated within ten (10) days of the receipt of such notice or that a request for hearing must be made by said owner or occupant before the expiration of the ten-day period from the receipt of notice. If the notice is returned undelivered by the post office, further official action to abate the nuisance shall be continued to a date not less than ten (10) days after the date of the return.
- (b) Upon request by the owner or occupant of the public or private premises or the owner or occupant adjacent to the public right-of-way, a public hearing shall be held before the municipal court of the City of Ladonia for determination of the existence of a junked vehicle as a public nuisance and for the purpose of entering an order requiring the removal of the same if found to be so. The judge of the municipal court shall be the designated official to make such determination, and upon the finding that the vehicle is a junked vehicle and constitutes a public nuisance, he shall enter an order requiring the removal of the vehicle or a part thereof. Said order must include a description of the vehicle and the correct identification number and license number of the vehicle, if the information is available at the site.
- (c) When the junked vehicle is declared a public nuisance by the municipal judge and is ordered to be removed, it shall not thereafter be reconstructed or made operable.
- (d) Notice shall be given to the Texas State Department of Highways and Public Transportation not later than the fifth day after the date of removal. The notice shall identify the vehicle or vehicle part which was removed.
- (e) The provisions of this article shall not apply to a vehicle or a part thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property, a vehicle or vehicle part that is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or junk yard. or an unlicensed, operable or inoperable antique or special interest vehicle stored by a collector on the collector's property, if the vehicle and the outdoor storage area are maintained in a manner so that they do not constitute a health hazard and are screened from ordinary public view by means of a fence, rapidly growing trees, shrubbery, or other appropriate means.

(f) The procedures of this article shall be carried out and enforced by regularly salaried, full-time employees of the City of Ladonia, except that the removal of vehicles or parts thereof from property may be done by any other duly authorized person, including persons with whom the city may at the time of the passage of this article or hereafter have a valid contract for the removal of such vehicles.

Sec. 7.409 Disposal of Junked Vehicles

A junked vehicle or vehicle part may be disposed of by removal to a scrap yard, demolisher, or any suitable site operated by the city or county for processing as scrap or salvage.

Sec. 7.410 Authority to Enforce

A person authorized by the city to administer the procedures of this article may enter private property for the purposes specified herein to examine a vehicle or vehicle part, obtain information as to the identity of the vehicle, and remove or cause the removal of a vehicle part that constitutes a nuisance as defined herein. The judge of the municipal court of the City of Ladonia may issue orders necessary to enforce the procedures of this article.

Sec. 7.411 Vehicles Obstructing Traffic

No provision of this article shall affect a law authorizing the immediate removal, as an obstruction to traffic, of a vehicle left on public property.

Sec. 7.412 Non-applicability of State Law Regarding Vehicle Storage Facilities

The city council of the City of Ladonia hereby determines and provides by this section that the provisions of Article 6687-9a, the Vehicle Storage Facility Act, and the rules adopted under such article by the Texas Department of Labor and Standards shall not apply inside the limits of the City of Ladonia.

(Ordinance adopting Code)

ARTICLE 7.500 DISCHARGE OF FIREARMS AND OTHER WEAPONS

(a) Prohibited. It shall be unlawful and an offense for any person to discharge a firearm, rifle, shotgun, automatic rifle, revolver, pistol, or other weapon designed for the purpose of firing or discharging a shell or cartridge in the city limits of the City of Ladonia.

(b) Defenses. It shall be a defense to prosecution under this article if the person was a law enforcement or peace officer acting in the performance of his official duties at the time of the discharge of such weapon; the person was at a shooting range operated by a public agency or one privately operated under the appropriate provisions of law; the

person was using blank cartridges for a show or theatrical production, for signal or ceremonial purposes in athletics or sports, or by a military organization; the person was a duly appointed and acting animal control officer of the City of Ladonia acting in the performance of his official duties; or the person was acting in lawful defense of life and/or property.

(c) Penalty. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court, shall be subject to a fine in accordance with the general penalty provision found in Section 1.106 of this code.

(Ordinance adopting Code)

ARTICLE 7.600 DISORDERLY CONDUCT*

It shall be unlawful for any person to be guilty of disorderly conduct or of any conduct tending toward a breach of the peace. The causing or making of any unnecessary loud noise or shouting or yelling shall be considered disorderly conduct as shall be any unlawful trespass. (Ordinance adopting Code)

ARTICLE 7.700 REGISTRATION OF ALARM SYSTEMS†

(a) Definitions. For the purposes of this article the following definitions shall apply:

Alarm System. Individually or collectively a burglar alarm protection service or burglar alarm system.

Burglar Alarm Protection Service. Any service whereby the person providing such service employs electronic or mechanical means to detect the unlawful entry or attempted unlawful entry into premises within the city, the report of which is then transmitted to or through the communication system of the police department or fire department of the city or is in any manner connected with the communication system of the police department or fire department of the city.

Burglar Alarm System. A local protective signaling system so designed and operated that both the equipment for detecting unlawful entry and the equipment for sounding a warning thereof by bell, horn, siren, or other means are located on the particular premises being protected.

City. The City of Ladonia, Texas.

* **State Law reference**—Authority of municipality to define and prohibit disorderly conduct, V.T.C.A., Local Government Code, Section 217.003.

† **State Law reference**—Municipal regulation of alarm systems, V.T.C.A., Local Government Code, ch. 218.

False Alarm. The activation of any alarm system which was not the result of an emergency or threat of emergency of the kind for which the burglar alarm protection service, burglar alarm protection service, or burglar alarm system designed to give notice.

Fire Department. The fire department of the city.

Person. Any individual, partnership, corporation, or association.

Police Department. The police department of the city.

(b) It shall be unlawful for any person to install, cause to be installed, or permit the installation of a burglar alarm system or fire alarm system within the city without filing a registration of same with the city secretary of the city. Applications for registration shall be available at the city office, and each application shall comply with subsection (e) below; provided however, in the event said burglar alarm system or fire alarm system is used in conjunction or in combination with a burglar alarm protection service or fire alarm protection service, then in such event the application shall also comply with subsection (f) below.

(c) It shall be unlawful for any person to install, cause to be installed, or permit the installation of a burglar alarm protection service or fire alarm protection service within the city without filing a registration of same with the city secretary of the city. Applications for registration shall be available at the city office, and each application shall comply with subsection (f) below.

(d) It shall be unlawful for any person to operate or permit the operation of a burglar alarm system, fire alarm system, burglar alarm protection service, or fire alarm protection service, on property over which such person has control, which was installed prior to the effective date of this article unless such person has registered such burglar alarm system, fire alarm system, burglar alarm protection service, or fire alarm protection service within one hundred twenty (120) days from the effective date of this article.

(e) Application for registration of a burglar alarm system or fire alarm system shall be made by a person having control over the property on which the burglar alarm system or fire alarm system is to be installed and operated or is being operated. Applications shall be filed with the city secretary and shall contain the following:

- (1) The street address of the property on which said alarm system is installed;
- (2) The name and telephone number of the occupant of the premises on which said alarm system is installed;
- (3) If an occupant is not the owner, the name, address, and telephone number of the owner of the property on which said alarm system is installed;

- (4) The name, address, and telephone number of two (2) persons to be notified in the event said alarm system is activated. The names of the persons shall be given only if they are able and have agreed:
 - (A) to receive notification at any time;
 - (B) to come to the site of said alarm system within one (1) hour after receiving a request from a member of the police department; and
 - (C) to grant access to the site of said alarm system and to deactivate the alarm if such becomes necessary; or
 - (5) The name, address and telephone number of a person to be notified to render service or repairs during any hour of the day or night that said alarm system sounds.
- (f) Applications for registration of a burglar alarm protection service and any included burglar alarm system shall be made by a person having control over the property on which the alarm system is to be installed and operated or is being operated. Applications shall be filed with the city secretary and shall contain the following:
- (1) The street address of the property on which said alarm system is installed;
 - (2) The name and telephone number of the occupant of the premises on which said alarm system is installed;
 - (3) If an occupant is not the owner, the name, address, and telephone number of the owner of the property on which said alarm system is installed;
 - (4) The name, address, and telephone number of the person providing the burglar alarm protection service or fire alarm protection service.
 - (5) If a burglar alarm protection service includes a burglar alarm system, the information specified in subsection (e)(4) and (5) of this article.
- (g) Each registration issued in accordance with this article shall be valid for a period of twelve (12) months from the date it is issued. The registration shall be renewed in accordance with subsections (e) and (f) above.
- (h) The fees for the first registration pursuant to this article shall be as provided for in the fee schedule found in Section 1.106 of this code
- (i) Each registration pursuant to this article shall be personal to the applicant and is not transferable.

(j) Copies of registration certificates shall be issued by the city secretary at the time a valid application is made. The holder of the registration certificate shall keep same at the location of the premises being protected and shall produce such permit for inspection upon the request of any member of the police department or fire department.

(k) The police department and/or fire department of the city will respond to proper notification of activation of an alarm system without charge except:

- (1) The fees as provided for in the fee schedule found in the appendix of this code shall be charged the holder of a registration certificate for each response by the police department and/or fire department to notification of activation of an alarm system in excess of five (5) alarms from the same site of an alarm system within the previous twelve (12) month period.

Provided, however, no fee will be charged for a response to notification of the activation of an alarm system if the registration certificate holder shows that the activation was not a false alarm, and such response by the police department and/or fire department to notification of the activation of an alarm system will not be included in determining the fees set out above if the registration certificate holder shows that such was not a false alarm. For purposes of determining the fees set out above, the burden shall be on the holder of the registration certificate to prove that the activation of the alarm system was not a false alarm.

(l) Shut-off Requirements

- (1) It shall be unlawful for any person to install, cause to be installed, or permit the installation of any burglar alarm system or fire alarm system within the city which is not equipped with a shut-off device. For the purposes of this section a "shut-off device" shall mean an automatic device which causes the audible signal of the alarm to be shut-off and discontinued after a period of time not to exceed fifteen (15) minutes from the time of the commencement of the emission of such audible signal.
- (2) It shall be unlawful for any person to operate, cause to be operated, or permit the operation of a burglar alarm system or fire alarm system within the city which is not equipped with a shut-off device designed and adjusted to discontinue the emission of the audible signal of such alarm within fifteen (15) minutes from the time of the commencement of the emission of such audible signal.

Exception. A person in control of property upon which a burglar alarm system or fire alarm system is operating on the effective date of this article shall not be deemed in violation of subsection (l)(2) for a period of four (4) months from the effective date of this article.

- (3) It shall be unlawful for any person to install, cause to be installed, or permit the installation of any alarm system within the city equipped with an automatic dialing device unless same is equipped with a means to automatically disconnect and discontinue the transmittal of the prerecorded message after same has been communicated to the police department or fire department. For the purposes of this section, an automatic dialing device is any device connected to any alarm system which automatically sends a prerecorded message indicating the activation of the alarm system to the police department or fire department.
- (4) It shall be unlawful for any person to operate, cause to be operated, or permit the operation of an alarm system within the city equipped with an automatic dialing device unless same is equipped with a means to automatically disconnect and discontinue the transmittal of the prerecorded message after same has been communicated to the police department or fire department.

Exception. A person in control of property upon which an alarm system is operating on the effective date of this article shall not be deemed in violation of subsection (1)(4) for a period of four (4) months from the effective date of this article.

- (5) Sprinkler System Exception. Notwithstanding any other provision of this article to the contrary, the provisions of subsections (1) and (4) of this subsection shall not apply to any fire alarm system or fire alarm protection service, or the erection, operation, or maintenance thereof, if such system or service activates, operates, or deactivates a sprinkler system.

For the purposes of this subsection, the term "sprinkler system" shall mean a sprinkler system for fire protection purposes and is an integrated system of underground and overhead piping designed in accordance with fire protection engineering standards. The installation includes a water supply such as a gravity tank, fire pump, reservoir or pressure tank, and/or connection by underground piping to a city main. The portion of the sprinkler system above ground is a network of specially sized or hydraulically designed piping installed in a building, structure or area, generally overhead, and to which sprinklers are connected in a systematic pattern. The system includes a controlling valve and a device for activating an alarm when the system is in operation. The system is usually activated by heat from a fire and discharges water over the fire area.

- (m) No person shall intentionally activate an alarm system for any purpose other than an emergency or threat of emergency of the kind for which the alarm system was designed to give notice; provided, however, it shall be an affirmative defense to prosecution under this section that the alarm system was activated solely for the purpose of testing the alarm system and the person who tested the alarm system took reasonable precautions to avoid

any request being made to the police department or fire department to respond to such alarm. This section shall not apply to conduct which is in violation of Section 42.06 of the Penal Code of the State of Texas.

(n) Confidential Information. All information received by the city as required by this article shall be deemed confidential and not a matter of public record. No such information shall be released to any person other than necessary city administrative, police, and fire personnel unless specifically authorized, in writing, by the person in control of the property about which such information is related.

(o) Any person who violates any provision of this article shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine in accordance with the general penalty provision found in Section 1.106 of this code. Each holder of a registration certificate and each person having control over property on which an alarm system is installed has an affirmative duty to comply with all provisions of this article, and it shall not be a defense to the prosecution of such a person that he or she was acting without a culpable mental state.

(Ordinance adopting Code)