

ORDINANCE NO. 09052017-03

AN ORDINANCE OF THE CITY COUNCIL OF POTEET ESTABLISHING REGULATIONS GOVERNING ALARMS; PROVIDING DEFINITIONS; ESTABLISHING A PERMIT REQUIREMENT; PROHIBITING SPECIFIC ACTIVITIES AND CONDUCT; PROVIDING A PENALTY; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the city of Poteet, Texas (the "City") pursuant to Chapter 214(f) of the Texas Local Government Code, as amended, the authority to regulate and permit burglar alarm systems in the City; and

WHEREAS, the City Council hereby finds that there has been and continues to be an ever increasing amount of non-permitted and false alarms within the City; and

WHEREAS, the City Council find that the regulation of alarm systems is in the best interest of the health, safety and welfare of the citizens of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF POTEET, TEXAS, THAT;

ALARMS

ARTICLE I. EMERGENCY REPORTING EQUIPMENT AND PROCEDURES

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### Sec. 1 PURPOSE

- (a) The purpose of the Ordinance is to encourage Alarm Users and alarm companies to properly use and maintain the operational effectiveness of Alarm Systems in order to improve the reliability of Alarm Systems and reduce or eliminate False Alarms.
- (b) This ordinance governs Alarm Systems intended to summon Law Enforcement and Fire Department response, and requires registration, establishes fees, provide for penalties for violations, establishes a system of administration, and sets conditions for suspension of Police response or revocation of registration.

### Sec. 2 DEFINITIONS

The following words, terms and phrases, when used in the Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Advisory Board:** shall mean Persons designated by governing authority that should be representative of the community, Alarm Users, the Alarm industry, and law enforcement. The Advisory Board should review and recommend False Alarm reduction efforts and report to the governing authority (municipal/city council, etc.).

**Alarm Administrator:** shall mean a Person or Persons designated by the governing authority to administer the provisions of this Ordinance.

**Alarm Installation Company:** shall mean a person in the business of selling, providing, maintaining, servicing, repairing, altering, replacing, moving or installing an Alarm System in an Alarm site. This definition shall also include individuals or firms that install and service the Alarm Systems that will be used in their private or proprietary facilities. This does not include persons doing installation or repair work where such work is performed without compensation of any kind (i.e. “do it yourselfers”).

**Alarm Dispatch Request:** shall mean a notification to law enforcement agency that an alarm, either manual or automatic, has been activated at a particular Alarm Site.

**Alarm Permit:** shall mean authorization granted by the Alarm Administrator to an Alarm User to operate an Alarm System.

**Alarm Site:** shall mean a device or series of devices, including, but not limited to, hardwired systems interconnected with a radio frequency method such as a cellular or private radio signals, which emit or transmit a remote or local audible, visual or electronic signal indicating an alarm condition and intended to summon law enforcement response, including Local Alarm Systems. Alarm System does not include:

- (1) An Alarm installed in a vehicle or on someone’s Person unless the vehicle or the personal alarm is permanently located at a site; or
- (2) An Alarm designed to alert only the inhabitants of the premises.

**Alarm user:** shall mean any Person who has contracted for monitoring, repair, installation or maintenance service from an Alarm Installation Company or Monitoring Company for an Alarm System, or who owns or operates an Alarm System which is not monitored, maintained or repaired under contract.

**Appeal Board:** shall mean the process that a permit holder aggrieved by a decision must make by filing a formal request in writing to the City Secretary requesting a change in, or confirmation of, that decision made regarding an alarm issue.

**Arming Station:** shall mean a device that allows control of an Alarm System.

**Automatic Voice Dialer/Automatic Alarm Notification:** shall mean any electrical, electronic, mechanical, or other device capable of being programmed to send a prerecorded voice message, when activated, over a telephone line, radio or other communication system, to a law enforcement, public safety or emergency services agency requesting dispatch.

**Burglar Alarm Notification:** shall mean the notification intended to summon police, which is initiated or triggered manually or by an alarm system designed to respond to a stimulus characteristic of unauthorized intrusion.

**Cancellation:** shall mean the process where response is terminated when a Monitoring Company (designated by the Alarm User) for the Alarm Site notifies the responding law enforcement agency that there is not an existing situation at the Alarm Site requiring law enforcement agency response after an Alarm Dispatch request.

**Certificate of Compliance:** shall mean a written certification from an Alarm Installation Company, stating that the Alarm System has been inspected and repaired (if necessary) and/or additional training has been conducted by the Alarm Installation Company or Law Enforcement Agency.

**City Administrator:** shall mean the City Administrator of the City of Poteet, or his/her authorized representative.

**Chief:** shall mean the Chief of Police of the City of Poteet or his/her designated representative.

**Duress Alarm:** shall mean a silent Alarm System signal generated by the entry of a designated code into an Arming Station in order to signal that the Alarm User is being forced to turn off the system and requires law enforcement response.

**False Alarm Notification:** shall mean an Alarm Dispatch Request to a law enforcement agency, when a response is made by the law enforcement agency within 30 minutes of the Alarm Dispatch Request and the responding law enforcement officer finds from inspection of the interior and/or exterior of the Alarm Site no evidence of a criminal offense or attempted criminal offense.

**Holdup/Robbery Alarm:** shall mean a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress or immediately after it has occurred.

**Law Enforcement Authority:** shall mean the Chief of Police or his designated representative.

**License:** shall mean a license issued by the Texas Department of Public Safety Private Security Bureau to an alarm Installation Company and Monitoring Company to Sell, install, monitor, repair, or replace Alarm Systems.

**Local Alarm:** shall mean an alarm system that emits a signal at an alarm site that is audible or visible from the exterior of the structure.

**Monitoring:** shall mean the process by which a Monitoring Company receives signals from an Alarm System and relays an Alarm Dispatch Requests to the municipality for the purpose of summoning law enforcement to the Alarm Site.

**Monitoring Company:** shall mean a Person in the business of providing Monitoring services.

**Offense:** shall mean an alarm system without a valid permit, which shall include a revoked permit.

**Panic Alarm:** shall mean an audible alarm generated by the deliberate activation of a panic device.

**Permit Holder:** shall mean the person designated in the application who is responsible for responding to alarms and giving access to the site and who is responsible to alarms and giving access to the site and who is responsible for proper maintenance and operation of the alarm system and payment of fees.

**Person:** shall mean the individual, corporation, partnership, association, organization or any legal entity.

**Responder:** shall mean an individual capable of reaching the Alarm site within 30 minutes and having access to the Alarm Site, the code to the Alarm System and the authority to approve repairs to the alarm system.

**Verify:** shall mean an attempt by the Monitoring Company, or its representative, to contact the Alarm Site and/or Alarm User by telephone whether or not actual contact with the Person is made, to determine whether an alarm signal is valid before requesting law enforcement dispatch following the Alarm Verification and Notification procedure.

**Section 3 Permit Required; Application; Transferability; False Statements**

- (a) A person commits an offense if he operated, or causes to be operated an alarm system without a valid alarm permit issued by the Chief, or designated.
- (b) The Chief or his/her designated representative, shall refuse police response to any alarm notification from an alarm site that does not have a valid alarm permit unless the alarm notification is a duress alarm, a robbery alarm, a panic alarm, or a report to 911 or to the police department by a person other than an alarm company.
- (c) Any person without an existing valid permit for an alarm system on the effective date of this Article must apply for a permit within 30 days of installation of the system or after effective date of this Article, whichever is sooner.
- (d) Upon receipt of the required administrative fee and completed application form, the Chief, or his designee, shall issue a permit unless:
  1. There is cause to believe the equipment responsible for the initiating an alarm will not be maintained and operated in accordance with this Article; or
  2. The applicant will not comply with any provision of this Article; or
  3. A previous permit was revoked or suspended after 10 or more false alarms during the preceding 12 month period.
- (e) Each permit application must contain the following information and be complete, true and accurate in its entirety:
  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 under this Article;
  2. Classification of the alarm site as either residential or commercial, including, where the alarm site is an apartment, the building number and the apartment number, if so numbered;
  3. The purpose of the alarm system for each alarm system located the alarm site, i.e. unauthorized intrusion, burglary, robbery, panic/duress;
  4. The name and telephone number of the alarm system monitoring company that has agreed to received calls for the permitted alarm system, if applicable and ;
  5. At least three names and telephone numbers of contacts (responders) that are able to respond to the alarm premises within 30 minutes with a key or means of access to the location if needed by the emergency responders.
  6. Other information required by the Chief, or designated representative, that is necessary for the enforcement of this Article.
- (f) An Alarm permit is nontransferable. However, the individual designated to respond to an alarm may be changed. A permit holder shall inform the Chief or his designee, in writing of any changes that alter information listed on the permit application, within 2 business days from the change. No fee will be assessed for such changes.
- (g) All application fees owed by applicant must be paid before a permit may be issued.
- (h) No permit fee shall be required for a permit obtained for an alarm system at a dwelling when the alarm site is determined by the Chief, or his designee to be occupied by a low-income family. In such a determination, the Chief shall consult applicable national low income Housing Coalition (NLHC) standards of at or below 30% of the area median income as set forth on their website:

([http://www.nihc.org/detail/article.cfm?article\\_id=2746&id=36](http://www.nihc.org/detail/article.cfm?article_id=2746&id=36)) and may require the applicant to furnish appropriate documentation regarding household income.

- (i) No permit shall be required for the city, state, county and federal government entities.
- (j) Any false statement or misrepresentation of a material fact made by an applicant or person for the purpose of obtaining an alarm permit or renewal, or while making a change thereto, shall be sufficient cause for refusal to grant permit, suspension of a permit or revocation of a permit by the police department leading to a status of no response.

#### **Section 4 Authorization of Other types of Alarms; Authority to Prescribe Additional to Prescribe Additional Regulations.**

- (a) A person shall not install or maintain an alarm system except for the purpose of eliciting responses to burglaries, robberies, panic/duress, or fire and emergency medical situations unless specifically authorized by the Chief, or designated representative.
- (b) If innovations in alarm systems or other types of alarm devices adversely affect emergency services of the City, the Chief, or his designee, may promulgate other rules and regulations in order to protect the City's emergency service.

#### **Section 5 Permit Fee**

A non-refundable application fee of \$50.00 for residential permits and \$100.00 for commercial permits is required for issuance of a permit. Permits issued will expire on the last day of the month of expiration. It is the permit holder's responsibility to renew the permit within the 10 days of the expiration date of the permit.

#### **Section 6 Penalties Related To False Alarms and Non-Compliance**

- (a) If within the 12 month period, 8 or more false burglar alarm notifications are emitted from an alarm site, the Chief, or his designee, shall revoke or refuse to renew the permit of the alarm site.
- (b) The Chief, or designated representative, shall assess the permit holder a fee for each false robbery/burglary alarm notification from the alarm site. The fee for each false robbery/burglary alarm after (3) shall be \$75.00, after (7) shall be \$100.
- (c) The Chief, or his designee, shall assess the permit holder a fee for each false panic/duress alarm notification emitted from the alarm site. The fee for each false panic/duress alarm after (3) shall be \$75.00, after (7) shall be \$100.
- (d) The Chief, or designated representative, shall assess the permit holder a fee for each false fire/medical alarm notification emitted from the alarm site. The fee for each false fire/medical alarm after (3) shall be \$75.00, after (7) shall be \$100.00.
- (e) A permit holder shall pay a fee assessed under this section within (30) days after receipt of notice that is has been assessed or pay a 10% penalty fee.
- (f) The permit holder will be exempt from any fee charged for a false alarm notification which is later shown to have been , in the Chief's, or his designee's sole determination, justified or which was due to a natural or manmade catastrophe or other situation specifically exempted by the Chief, or designated representative.
- (g) The Alarm Company shall pay a fee of \$25.00 for providing the wrong permit information to the responding agencies.
- (h) An Alarm user shall pay a fee of \$50.00 for failure to provide a responder within thirty (30) minutes when requested by a Law Enforcement Authority. For purposes of this Article, a responder is defined as the responsible party identified by the alarm owner and listed as a contact for the property owner for the alarm monitoring company.
- (i) If cancellation occurs prior to law enforcement arriving at the scene, this is not a false alarm for the purposes of this Article.
- (j) If law enforcement takes longer than thirty (30) minutes to respond to the Alarm Dispatch Request, this is not a false alarm for the purposes of this Article.

#### **Section 7 Alarm system Operation and Maintenance**

A permit holder shall:

- (a) Maintain the premises containing an alarm system in a manner that ensures proper operation of the alarm system;

- (b) Maintain the alarm system in a manner that will minimize false notifications;
- (c) Respond or designate a representative to respond within 30 minutes after requested by the City to repair or inactivate a malfunctioning alarm system, to provide access to the premises or to provide security for the premises;
- (d) Not manually activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report;
- (e) Notify the police department prior to activation of an alarm for maintenance purposes; and
- (f) Adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal sound no longer than 15 minutes after being activated.

#### **Section 8 Reporting of Alarm through Relaying Intermediary**

A permit holder shall not report an alarm signal through a relaying intermediary that does not meet the requirements of this Article and any rules and regulations promulgated by the Chief, or designated representative, or is not licensed by the Texas Board of Private Investigators and private Security Agencies, or is not the owner of the property.

#### **Section 9 Monitoring Procedures**

Any alarm company engaged in the business of monitoring alarm systems in the City shall:

- (a) Report alarm signals only using telephone numbers designated by the Chief, or designated representative;
- (b) Before requesting police response to an alarm signal, verify every alarm signal, verify every alarm signal, verify every alarm signal, except a duress, robbery, or panic alarm activation, by a telephone call to the alarm site;
- (c) When reporting an alarm notification to the City, provide the alarm permit number and address of the alarm site from which the alarm notification originated; and
- (d) Communicate alarm notifications to the City in a manner determined by the Chief, or designated representative.

#### **Section 10 Duties of an Alarm Company**

- (a) An Alarm company shall confirm that a valid alarm permit holder or person in control of an alarm system shall send a certification to the Chief, or designee, within 10 days of performing or causing the performance of an alarm system installation or conversion. The certificate must state:
  1. The date of installation or conversion of the alarm system, whichever is applicable;
  2. The name, address, telephone number, and current state license number of the alarm company providing the alarm system installation or conversion;
  3. The name, address, telephone number, and current state license number providing monitoring for the alarm system if different from the alarm company under contract to provide installation or conversion for the alarm system;
  4. That a complete set of written operating instructions for the alarm system, including written guidelines on how to avoid false alarms has been left with the applicant; and
  5. That the alarm company has trained the applicant in the proper use of the alarm system, including instructions on how to avoid false alarms.

#### **Section 11 Alarm Reset**

A permit holder of an alarm system that utilized a local alarm shall adjust the mechanism or cause the mechanism to be adjusted so that, upon activation, the local alarm will not transmit another alarm signal without first being manually reset.

#### **Section 12 Inspection**

Upon reasonable notification, the Chief, or designee, may inspect an alarm site and alarm system of a permit holder at reasonable times.

#### **Section 13 Grounds for Denial of a Permit or Revocation**

- (a) Grounds for denial of a permit:

1. The Chief, or his designee, shall issue a permit to the applicant unless one or more of the following conditions are present:
    - a. The permit holder or his/her designated agent has given false, misleading or untrue information of material fact in any record or report required by the Article; or
    - b. The permit holder fails to maintain the alarm system in accordance with the requirements of this Article; or
    - c. The operation of the alarm system by the permit holder has demonstrated a history of unreliability, as set forth in subsection (c) of this section; or
    - d. There have been 8 or more false alarms during the preceding 12 month period.
  2. Denial of an alarm system permit shall be effected by written denial, setting forth the grounds for denial and mailed to the applicant by depositing the notice in the United States Mail, addressed to the applicant with postage pre-paid certified receipt.
- (b) Grounds for revocation of a permit:
1. The Chief, or his designee, shall revoke an alarm permit if he determines that:
    - a. The permit holder or his/her designated agent has given false, misleading or untrue information of material fact in any record or report required by this Article; or
    - b. The permit holder fails to maintain the alarm system in accordance with the requirements of this Article ; or
    - c. The operation of the alarm system by the permit holder has demonstrated a history of unreliability , as set forth in subsection (c) of this section; or
    - d. There have been 8 or more false alarms during the preceding 12 month period.

(c) Grounds for non-renewal of a permit:

1. The alarm system has a history of unreliability and the applicant has failed to make alterations or corrections to the system to reasonably assure abatement of false alarms. Any Alarm system generating 10 or more false alarm notifications within a 12 month permit period shall be presumed unreliable; and the alarm permit shall be revoked or suspended, after the City provided 30 days written notice to the permit holder, until the permit holder has:
  - a. Attended Alarm User Awareness class at a class approved by the Chief or his designee.
  - b. Provided a Certificate of Compliance.
  - c. Paid a \$100 reinstatement fee.
2. A person commits an offense if he operates an alarm system during the period in which his/her alarm permit has not been renewed.

**Section 14 Reinstatement of a Permit**

- (a) A person whose alarm permit has been revoked may have the permit reinstated if the person:
1. Submits an updated application and pays a \$100.00 permit reinstatement fee in accordance with this Article; and
  2. Attends Alarm user Awareness class; and
  3. Presents a Certificate of Compliance.
- (b) A permit that has been reinstated shall expire on the same date it was originally set to expire, one (1) year from date the permit was issued.

**Section 15 Appeal from Penalty Fee, Denial, or Revocation of a Permit**

- (a) Any applicant, permit holder, alarm installation company or monitoring company aggrieved by the decision to assess a penalty fee by the Chief of Police, or designated representative, may appeal the decision to an appeal board appointed by the City Administrator by paying an appeal fee of twenty five (\$25.00) and filing with the city secretary a written request for a hearing, setting forth the reasons for the appeal within 10 days after the Chief of Police, or his designee, renders the decision. The filing of a request for an appeal hearing with the city secretary stays the action of the Chief of Police, or his designee, in assessing a penalty fee until the appeal board makes a final

decision. If a request for an appeal hearing is not made within the 10 day period, the action of the Chief of Police, or his designee, is final. Appeal fees will be returned if the decision of the Chief of Police, or designee, is overturned.

- (b) If the Chief of Police, or designated representative, refuses to issue 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 appeal. The applicant or permit holder may appeal the decision of the Chief of Police, or designee, to the appeal board by filing with the city secretary a written request for a hearing, setting forth the reasons for the appeal, within 10 days after receipt or the notice from the Chief of Police, or his designee. The filing of a request for an appeal hearing with the board stays an action of the Chief of Police, or designated representative, in revoking a permit until the board makes a final decision. If a request for an appeal hearing is not made within the 10 day period, the action of the Chief of Police, or designated representative, is final.

#### **Section 16 Notification**

The Alarm User shall be notified in writing after each False Alarm. The notification shall include: notice that the Alarm User can attend Alarm User Awareness Class to waive one false alarm violation, the fact that response will be suspended after the 8<sup>th</sup> False Alarm, excluding Duress, Holdup and Panic Alarms, and a description of the appeal procedure available to the Alarm User.

The Alarm User and the Alarm Installation Company or Monitoring Company will be notified in writing 30 days before alarm response is to be suspended. Suspension of alarm response does not apply to Duress, Hold-up, and panic Alarms. This notice of suspension will also include a description of the appeals procedure available to the Alarm User and the Alarm installation Company or Monitoring Company.

#### **Section 17 Suspension of Response**

- (a) The Chief of Police or designated representative, may suspend law enforcement response to an Alarm Site and/or revoke the Alarm permit if it is determined that:
1. There is not a valid alarm permit for the alarm site; or
  2. The alarm permit for the site has expired; or
  3. The alarm user has 8 or more False Alarms in the 12 month permit period and the permit is revoked.
- (b) A person commits an offense if he operates an alarm system during the period in which the Alarm Permit is revoked and is subject to enforcement and penalties.

#### **Section 18 Indirect Alarm Reporting**

A person who is engaged in the business of relaying alarm notification to the city shall:

- (a) Communicate alarm notifications to the City in a manner and form determined by the Chief or designated representative;
- (b) Provide a local or toll free call-back telephone number when requested by the police department;
- (c) Contact a representative of the alarm site when requested by the police department; and
- (d) Comply with all other requirements of this Article and any rules and regulations promulgated by the Chief or designated representative.

#### **Section 19 Direct Alarm Reporting**

An alarm system, other than an alarm system in a local, state, or federal governmental entity or in a financial institution, which transmits automatic alarm notifications directly to the communications center of the police department, shall be prohibited.

#### **Section 20 Alarm system Operating Instructions**

A permit holder shall maintain at each alarm site a complete set of written operating instructions for each alarm system. Special codes, Combinations or passwords must be included in these instructions.

#### **Section 21 Alarm Dispatch Records**

(a) The communication employee receiving the alarm notification and/or the emergency personnel responding to a dispatch resulting from a burglar, robbery, personal hostage, fire or medical emergency notification shall cause to be recorded in the communications information system such information as necessary to permit the Chief to maintain records, including but not limited to the following information;

1. Identification of the permit holder;
2. Alarm permit number
3. Identification of the alarm site;
4. Communication received time, dispatch time and personnel arrival time;
5. Date of occurrence;
6. Disposition of alarm call; and
7. Name of permit holder's representative on premises, if any.

(b) The responding emergency personnel shall prepare and submit appropriate reports in regards to any events that contributed to the alarm notification as determined by the investigation.

### **Section 22 System Performance Reviews and Appeals**

- (a) If there is a reason to believe that an alarm system is not being used or maintained in a manner that ensures proper operation, the Chief, or designee, may require a conference with an alarm permit holder to review circumstances of each alarm notification.
- (b) If there is belief that an alarm is the result of circumstances beyond the reasonable control of the permit holder, the permit holder or the permit holder's representative may request a conference with the Chief or his designated representative.
- (c) If the Chief, or designated representative, determines that an alarm is the result of circumstances beyond the reasonable control of the permit holder, the permit holder or the permit holder's representative may request a conference with the Chief or his designated representative may request a conference with the Chief or his designated representative may appeal his decision as set out in the appeal process in section 15.

### **Section 23 Violations/Penalty**

- (a) An Alarm company, an alarm permit holder or a person in control of an alarm system commits an offense if he violates by 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 committed, continued or permitted, and each offense is punishable by a fine not to exceed five hundred dollars (\$500.00) as follows;
1. Two hundred dollars (\$200.00) for the first conviction; and
  2. Two hundred and fifty dollars (\$250.00) for the second through tenth conviction; and
  3. Five Hundred (\$500.00) for each subsequent conviction.
- (c) In addition to prohibiting or requiring certain conduct of individuals, it is the intent of this Article to hold a corporation, partnership or other association criminally responsible for acts or omissions performed by an agent acting on behalf of the corporation, partnership, or other association, and within the scope of his employment. A person or business utilizing an alarm operating system shall maintain at each alarm site a complete set of written operating instructions for each alarm system. Special codes, combinations or passwords must not be included in these instructions.

### **Section 24 Confidentiality**

In the interest of public safety, subject to the provisions of Texas Government Code Chapter 552, information contained in and gathered through the Alarm Permit applications, records relating to Alarm Dispatch Requests and applications for appeals shall be held in confidence by all employees or representatives of the municipality and by any third-party administrator or representatives of a third-party administrator with access to such information. This information shall not be subject to public inspection. Public interest is served by not disclosing said information to the public and clearly outweighs the public interest served by disclosing said information.

**Section 25 Government Immunity**

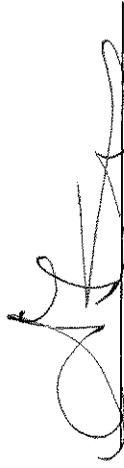
The issuance of an Alarm Permit and /or the provisions set forth in this Article are not intended to , nor do they , create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By applying for an Alarm Permit, the Alarm User acknowledges that law enforcement response may be influenced by factors such as: the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions and staffing levels.

- a. If any sections, article, paragraph, sentence, clause, phrase or word in this Ordinance, or application thereof to any person or circumstance, is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of the Ordinance, and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force effect.
- b. That this Ordinance shall be cumulative of all other ordinances of this City and shall not repeal any of the provisions of said ordinances except in those instances where provisions of those ordinances are in direct conflict with the provisions of this Ordinance and such ordinances shall remain intact and are hereby ratified, verified and affirmed.
- c. This Ordinance shall become effective from and after the date of its final passage and publication as provided by law, and it is accordingly so ordained.

Passed and Approved this 5<sup>th</sup> day of September 2017.

Attest:

  
Albert Trevino, Mayor

  
Abigail Frautschi, City Secretary