

ORDINANCE NO. 2017-31

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS BY DELETING THE WORD “BURGLAR” FROM SECTION 16-59, FALSE ALARM NOTIFICATION, OF DIVISION 2, PERMITS/REGISTRATION ACCOUNTS AND REGISTRATION, OF ARTICLE II, EMERGENCY ALARM SYSTEMS, OF CHAPTER 16, EMERGENCY SERVICES; PROVIDING A REPEALER, AND PROVIDING FOR SEVERABILITY.

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WHEREAS, the City Council of the City of Tomball, Texas finds it to be in the best interest of the health, safety and welfare of its citizens to apply the service fees for false alarms to all false alarms, not just burglar alarms; and

WHEREAS, the City Council desires to adopt the amendments contained herein; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS:

Section 1. The facts and matters contained in the preamble to this ordinance are hereby found to be true and correct.

Section 2. The Code of Ordinances of the City of Tomball, Texas is hereby amended by deleting from Section 16--59, False Alarm Notification, of Division 2, Permits/Registration Accounts and Registration, of Article II, Emergency Alarm Systems, of Chapter 16, Emergency Services, the language underscored below:

“Sec. 16-59. - False alarm notification.

(a) If an alarm system transmits more than three false burglar alarms or fire alarm notifications within a 12-month period, the permittee/registration account holder shall pay a service fee for the fourth and each subsequent false ~~burglar~~ alarm notification.

(1) Residential alarms.

a. For each response for the first through the third—No fee.

- b. For each response after the third through the fifth—\$25.00.
- c. For each response after the fifth through the eighth—\$50.00.
- d. For each response after the eighth—\$100.00.

(2) Commercial alarms.

- a. For each response for the first through the third—No fee.
- b. For each response after the third through the fifth—\$50.00.
- c. For each response after the fifth through the eighth—\$75.00.
- d. For each response after the eighth—\$100.00.

(b) If an alarm system transmits more than two false panic alarm notifications within a 12-month period, the permittee/registration account holder shall pay the maximum service fee permitted by state law, but not more than \$100.00, for the third and each subsequent false panic alarm notification.

(c) A tenant holding an individual alarm permit/registration account shall pay a false alarm notification fee related to a transmission from the alarm system in the tenant's unit.

(d) The permittee/registration account holder holding the master alarm permit/registration account shall pay a false alarm notification fee related to a transmission from an unoccupied unit or a unit for which a tenant has not obtained an individual alarm permit/registration account.

(e) The city manager may investigate and waive payment of a service fee assessed under this section.”

Section 3. All ordinances in conflict or inconsistent with this ordinance are, to the extent of such conflict or inconsistency, repealed.

Section 4. Severability. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect,

impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 5. This Ordinance shall take effect fourteen (14) days from and after its passage and the publication of the caption hereof, as provided by law and the City's Home Rule Charter.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 18TH DAY OF SEPTEMBER 2017.

COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DEGGES	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN KLEIN QUINN	<u>AYE</u>

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 2ND DAY OF OCTOBER 2017.

COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DEGGES	<u>ABSENT</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN KLEIN QUINN	<u>AYE</u>

Gretchen Fagan
Gretchen Fagan, Mayor

ATTEST:

Doris Speer
Doris Speer, City Secretary