

ORDINANCE NO. _____

An ordinance amending Article I (composed of Sections 15C-1 through 15C-17) of CHAPTER 15C, "EMERGENCY REPORTING EQUIPMENT AND PROCEDURES" of the Dallas City Code, as amended; defining terms; providing for no response by the police to burglar alarm signals emitted from a burglar alarm system at a commercial alarm site; providing for police response to burglar alarm signals emitted from a burglar alarm system at a residential alarm site; providing for police response to holdup, panic, and duress alarm signals emitted from an alarm system at a commercial or residential alarm site; requiring permits for commercial burglar alarm systems, but providing for no permit fees, no false alarm notification fees, and no fines or penalties; requiring permits for residential burglar alarm systems and commercial and residential holdup, panic, and duress alarm systems, and providing permits fees, false alarm notification fees, and fines and penalties; providing a permit denial, revocation, and appeals process; providing for police response to calls from private responders or other eyewitnesses visually verifying that evidence of criminal activity exists at a commercial alarm site from which a burglar alarm signal is emitted; providing requirements for alarm companies and private responders; eliminating the ability of alarm companies and financial institutions to directly transmit alarm signals to the police department; providing transitional provisions relating to the discontinuation of police response to commercial burglar alarm signals; making certain semantic, grammatical, and structural changes; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Article I, "Alarms Responded to by the Police Department," of CHAPTER 15C, "EMERGENCY REPORTING EQUIPMENT AND PROCEDURES," of the Dallas City Code, as amended, is amended to read as follows:

"ARTICLE I.

**ALARMS RESPONDED TO BY THE
POLICE DEPARTMENT.**

SEC. 15C-1. DEFINITIONS.

In this article:

(1) ALARM COMPANY means any person who sells, installs, services, or monitors an alarm system.

(2) ALARM NOTIFICATION means a notification from an alarm system that is:

(A) intended to summon:

(i) a private responder if the notification is from a commercial burglar alarm system; or

(ii) the police if the notification is from a residential burglar alarm system or a commercial or residential holdup, panic, or duress alarm system; and

(B) designed to be initiated either:

(i) purposely by a person; or

(ii) automatically by a response to a stimulus characteristic of unauthorized intrusion.

(3) ALARM SITE means a single premises or location served by an alarm system or systems that are under the control of one person.

(4) ALARM SYSTEM means a device or system that emits, transmits, or relays a signal intended to summon, or that would reasonably be expected to summon, a private responder, in the case of a commercial burglar alarm system, or the police services of the city, in the case of a residential burglar alarm system or a commercial or residential holdup, panic, or duress alarm system. “Alarm system” includes ~~including~~, but is not limited to, local alarms. “Alarm system” does not include:

(A) an alarm installed on a vehicle, unless the vehicle is used for a habitation ~~[permanently located]~~ at a permanent site; ~~or~~ ~~[not]~~

(B) an alarm designed to alert only the inhabitants of a premises that does not have a local alarm.

(5) CHIEF means the chief of police of the city or an authorized representative.

(6) CONVERSION means the transaction or process by which one alarm company begins monitoring an alarm system previously monitored by another alarm company.

(7) DURESS ALARM means the deliberate activation of a silent alarm by entering at a keypad a code that is different from the normal arm/disarm code, or by a separate deliberate act at another device.

(8) FALSE ALARM NOTIFICATION means:

(A) a burglar ~~[an]~~ alarm notification to the police department from a residential alarm site, when the responding officer arrives within 30 minutes after receipt of the alarm notification and, upon inspection of the interior or exterior of the premises, finds no evidence of a criminal offense or attempted criminal offense; ~~or~~

(B) a holdup, panic, or duress alarm notification to the police department from a commercial or residential alarm site, when the responding officer arrives after receipt of the alarm notification and finds no evidence of a holdup, panic, or duress situation.

(9) HOLDUP ALARM means a silent alarm generated by the deliberate activation of a holdup device.

(10) KEYPAD means a device that allows control of an alarm system by the manual entering of a coded sequence of numbers or letters.

(11) LOCAL ALARM means an alarm system that emits a signal at an alarm site that is audible or visible from the exterior of a structure.

(12) MONITORING means the process by which an alarm company receives signals from an alarm system and relays an alarm notification to:

(A) a private responder, if the notification is from a commercial burglar alarm system; or

(B) the police, if the notification is from a residential burglar alarm system or a commercial or residential holdup, panic, or duress alarm system [city].

(13) ONE PLUS means a feature of an alarm system that allows the manual activation of a silent alarm signal by entering, at the keypad, a code that increases the last digit of the normal arm/disarm code by one.

(14) PANIC ALARM means an audible alarm generated by the deliberate activation of a panic device.

(15) [(44)] PERMIT HOLDER means the person designated in the application as required in Section 15C-2(d)(1) who is responsible for responding to alarms and giving access to the site and who is also responsible for proper maintenance and operation of the alarm system and payment of fees.

(16) [(45)] PERSON means an individual, corporation, partnership, association, organization, or similar entity.

(17) PRIVATE RESPONDER means a private security company, an alarm company's representative, an alarm user, or a person or entity appointed by an alarm user who is responsible for visually verifying that evidence of criminal activity exists at a commercial alarm site from which a burglar alarm notification originated.

~~[(16) SPECIAL TRUNKLINE means a telephone line leading into the communications center of the police department that is for the primary purpose of receiving emergency messages that originate from automatic protection devices and are transmitted directly or through an intermediary.]~~

(18) VERIFIED COMMERCIAL BURGLAR ALARM NOTIFICATION means a call to the police from an alarm company, a private responder, or an eyewitness reporting that a burglar alarm signal or notification has been emitted from a commercial alarm site and that a private responder or another eyewitness has visually verified that evidence of criminal activity exists at the commercial alarm site.

SEC. 15C-1.1. RESPONSE OF POLICE TO ALARM NOTIFICATIONS.

(a) The police will not respond to any burglar alarm signal emitted from a burglar alarm system at any commercial alarm site. Police officers will be dispatched to a commercial alarm site after an alarm company, a private responder, or an eyewitness reports a verified burglar alarm notification to the city for that alarm site.

(b) The police will respond to any burglar alarm signal emitted from a burglar alarm system at any residential alarm site and to any holdup, panic, or duress alarm signal emitted from an alarm system at a commercial or residential alarm site.

SEC. 15C-2. PERMIT REQUIRED; APPLICATION; FEES; TRANSFERABILITY; FALSE STATEMENTS.

(a) A person commits an offense if he operates or causes to be operated an alarm system at a commercial or residential alarm site without a valid alarm permit issued under this article. A separate permit is required for each alarm site.

(b) The chief shall refuse police response to any alarm notification from a residential ~~an~~ alarm site that does not have a valid alarm permit, unless the alarm notification was:

(1) a duress alarm;

(2) a hold up alarm;

(3) a panic alarm; or

(4) reported to a 9-1-1 emergency telephone number or to the police department by a person other than an alarm company.

(c) The nonrefundable fee for an annual permit, an annual permit renewal, or a permit reinstatement is:

(1) \$50 for a residential alarm site;

(2) \$50 for a residential unit of an apartment complex;

(3) \$50 for a master alarm permit for an apartment complex equipped with a holdup, panic, or duress alarm system, but no fee if the apartment complex is only equipped with a burglar alarm system;

(4) \$50 for the nonresidential areas of an apartment complex equipped with a holdup, panic, or duress alarm system, but no fee if the apartment complex is only equipped with a burglar alarm system; and

(5) \$50 [100] for a commercial alarm site equipped with a holdup, panic, or duress alarm system, but no fee if the commercial alarm site is only equipped with a burglar alarm system.

[No refund of a permit, permit renewal, or permit reinstatement fee will be made.]

(d) An application for an alarm permit must be made on a form provided by the chief and include the following information:

(1) the name, address, [and] telephone number, and driver's license number (or, if the person does not have a driver's license, the number on any other government-issued personal identification card containing a photograph) of the person who will be the permit holder and be responsible for the proper maintenance and operation of the alarm system and payment of fees assessed under this article;

(2) the classification of the alarm site as either residential or commercial;
[and]

(3) identification of the alarm system as either a burglar alarm system, a holdup, panic, or duress alarm system, or a combination of alarm systems; and

(4) other information required by the chief that is necessary for the enforcement of this article.

(e) Within 30 days after receipt of a completed application form, the chief shall approve issuance of an alarm permit to the applicant by the special collections division of the Dallas water utilities department [~~assessor and collector of taxes to an applicant~~], unless [~~the applicant has~~]:

(1) the applicant has failed to pay a service fee assessed under Section 15C-12 for which a bill had been issued and for which a payment plan has not been established under Section 15C-12(d) [(b)];

(2) the applicant has had an alarm permit for the alarm site revoked, and the violation causing the revocation has not been corrected; [or]

(3) the applicant has made a false statement of a material matter for the purpose of obtaining an alarm permit; or

(4) the alarm system for which a permit is requested has had eight or more false alarm notifications within the preceding 12-month period.

(f) Approval by the chief does not authorize the applicant to operate an alarm system until the applicant pays the applicable permit fee required in Subsection (c) to the special collections division of the Dallas water utilities department [~~assessor and collector of taxes~~] and obtains an alarm permit.

(g) An alarm permit cannot be transferred to another person or to another alarm site. A permit holder shall inform the chief of any change that alters any information listed on the permit application within two business days. No fee will be assessed for such changes.

SEC. 15C-2.1. ALARM SYSTEMS IN APARTMENT COMPLEXES.

(a) A tenant of an apartment complex shall obtain an alarm permit from the chief before operating or causing the operation of an alarm system in the tenant's residential unit.

(b) The owner or property manager of an apartment complex in which an alarm system is installed in one or more individual residential units shall obtain a master alarm permit from the chief.

(c) For purposes of assessing service fees and enforcing this article against an individual residential unit of an apartment complex:

(1) the tenant is responsible for payment of all service fees for any false alarm notification emitted from the alarm system in the tenant's residential unit; and

(2) the master alarm permit holder is responsible for payment of all service fees for any false alarm notification emitted from an alarm system in any unoccupied residential unit in the apartment complex.

(d) The owner or property manager of an apartment complex shall obtain a separate alarm permit for any alarm system operated in a nonresidential area of the apartment complex, including, but not limited to, common tenant areas and office, storage, and equipment areas.

SEC. 15C-3. PERMIT DURATION AND RENEWAL.

A permit expires one year after [~~from~~] the date of issuance and must be renewed annually by submitting an updated application and a permit renewal fee, when required, in accordance with Section 15C-2 of this chapter. Before terminating a permit for nonrenewal, the chief shall provide 30 days prior written notice to the permit holder of the need to renew the permit and file an updated permit application.

SEC. 15C-4. PROPER ALARM SYSTEM OPERATION AND MAINTENANCE.

(a) A permit holder or person in control of an alarm system shall:

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

(2) maintain the alarm system in a manner that will minimize false alarm notifications;

(3) respond or cause a representative to respond within 45 minutes after being ~~[a reasonable period of time when]~~ notified by the city to repair or inactivate a malfunctioning alarm system, to provide access to the premises, or to provide security for the premises; and

(4) not intentionally activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report.

(b) A person in control of a local alarm shall adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal, after being activated, will sound for no longer than:

(1) 30 minutes for an alarm system installed before October 1, 1995, except as otherwise provided in Paragraph (2)(B) of this subsection; and

(2) 10 minutes for an alarm system:

(A) installed on or after October 1, 1995; or

(B) installed before October 1, 1995, but to which any improvement is made on or after October 1, 1995.

SEC. 15C-5. RESERVED. ~~[MANUAL RESET REQUIRED.]~~

~~A person in control of a local alarm or an alarm system that causes an alarm notification to be sent directly to the city shall adjust the mechanism or cause the mechanism to be adjusted so that, upon activation, the system will not transmit another alarm signal without first being manually reset.]~~

SEC. 15C-6. REQUIREMENTS FOR THE USE OF STATE-LICENSED ALARM COMPANIES AND RELAYING INTERMEDIARIES ~~[REPORTING OF ALARM SIGNALS].~~

(a) An owner or person in control of property shall not have an alarm system installed or converted on that property by an alarm company that does not comply with the requirements of this article and any rules and regulations promulgated by the chief or that is not licensed by the Texas Department of Public Safety Private Security Bureau.

(b) A permit holder or person in control of an alarm system shall not allow alarm signals to be reported through a relaying intermediary that does not comply with the requirements of this article and any rules and regulations promulgated by the chief or that is not licensed by the Texas Department of Public Safety ~~[Board of Private Investigators and]~~ Private Security Bureau ~~[Agencies].~~

SEC. 15C-7. MONITORING PROCEDURES.

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

(1) use [report alarm signals] only [by using] telephone numbers designated by the chief to report:

(A) commercial or residential holdup, panic, or duress alarm notifications;

(B) residential burglar alarm notifications; and

(C) verified commercial burglar alarm notifications;

(2) before requesting police response to a residential [an] alarm site for a burglar alarm notification [signal], attempt to contact an occupant of the alarm site twice by telephone (using different telephone numbers) in order to verify the [every] alarm notification [signal, except a duress, hold up, or panic alarm activation, by a telephone call to the alarm site];

(3) before requesting police response to a commercial alarm site for a burglar alarm notification, obtain visual verification, through either a private responder or another eye witness, that evidence of criminal activity exists at the commercial alarm site;

(4) when reporting a verified commercial burglar [an] alarm notification to the city, provide the alarm permit number and address of the commercial alarm site from which the alarm notification originated and the name and contact information of the private responder or eyewitness who visually verified that evidence of criminal activity exists at the alarm site; [and]

(5) when reporting a residential burglar alarm notification or a commercial or residential holdup, panic, or duress alarm notification to the city, provide the alarm permit number and address of the alarm site from which the alarm notification originated; and

(6) [(4)] communicate alarm notifications to the city in a manner and form determined by the chief.

SEC. 15C-7.1. REQUIREMENTS FOR [DUTIES OF AN] ALARM COMPANIES AND PRIVATE RESPONDERS [COMPANY].

(a) An alarm company shall confirm that a valid alarm permit has been issued by the city for an alarm site before:

(1) performing any alarm system conversion at the alarm site; or

(2) activating any alarm system installed at the alarm site.

(b) An alarm company that has a contract with a permit holder or person in control of an alarm system shall send a certification to the chief within 30 [40] days after [øf] performing or causing the performance of an alarm system installation, activation, or conversion. The information contained in the certification is confidential to the extent required by Section 1702.286 of the Texas Occupations Code and other law. The certification must state:

(1) the date of installation, activation, or conversion of the alarm system, whichever is applicable;

(2) the address of the alarm system location and the name of the occupant of the alarm system location;

(3) whether the alarm system is a burglar alarm system, a holdup, panic, or duress alarm system, or a combination of alarm systems;

(4) the name, address, telephone number, and current state license number of the alarm company providing the alarm system installation, activation, or conversion;

(5) [(3)] the name, address, telephone number, and current state license number of the alarm company providing monitoring for the alarm system, if different from the alarm company under contract to provide installation, activation, or conversion of the alarm system;

(6) [(4)] that the applicant has been given a complete set of written operating instructions for the alarm system, written information on the applicable law relating to false alarms (including the potential for penalties and revocation or suspension of an alarm permit), and written guidelines on how to prevent [avoid] false alarms[; has been left with the applicant]; and

(7) [(5)] that the alarm company has trained the applicant in the proper use of the alarm system, including instructions on how to prevent [avoid] false alarms.

(c) An alarm company representative and a private responder shall attend a system performance review required by the chief under Section 15C-11. An alarm company or a private responder may be issued a citation if its [an alarm company] representative fails to attend a system performance review required by Section 15C-11 after receiving notice of the conference from the chief.

(d) On and after February 1, 2006, an alarm company shall not install any alarm system equipped with the holdup/panic/duress feature known as ONE PLUS. For alarm systems installed before February 1, 2006, an alarm company shall disarm the ONE PLUS feature:

(1) by February 1, 2006, if the alarm company has line access to the alarm system; or

(2) the next time maintenance, service, or conversion work is performed on the alarm system, if the alarm company does not have line access to the alarm system.

(e) After responding to a burglar alarm signal or notification at a commercial alarm site and visually verifying that evidence of criminal activity exists at the alarm site, a private responder shall personally, or through an alarm company, report the verified commercial burglar alarm notification to the city and remain at the alarm site until responding police officers arrive and release the private responder.

SEC. 15C-8. DIRECT ALARM REPORTING; AUTOMATIC ALARM NOTIFICATION.

A permit holder or person in control of an alarm system shall not transmit or allow the transmission of [~~other than an alarm system in a financial institution, whose alarm system transmits~~] automatic alarm notifications directly to the communications center of the police department [~~shall~~]:

~~(1) transmit the alarm in the form and with the content specified by the chief;~~

~~(2) ensure that any recorded message is intelligible;~~

~~(3) if transmitted over telephone lines, ensure that only the special trunklines designated by the chief are used; and~~

~~(4) design the alarm system so that it will notify or attempt to notify the permit holder, or a designated agent identified on the permit application, when an alarm is transmitted to the city].~~

SEC. 15C-9. ALARM SYSTEM OPERATING INSTRUCTIONS.

A person in control of an alarm 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.

SEC. 15C-10. ALARM DISPATCH RECORDS.

(a) When [~~The city, when~~] responding to a dispatch resulting from a commercial or residential holdup, panic, or duress [~~an~~] alarm notification, a residential burglar alarm notification, or a verified commercial burglar alarm notification, the city shall record 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) address of the alarm site;
- (3) date, arrival time, and dispatch received time; ~~and~~
- (4) name of the permit holder's representative on the premises, if any; and

(5) for a verified commercial burglar alarm notification, the name and contact information of the private responder or other eyewitness at the alarm site.

(b) If the alarm notification was a residential burglar alarm notification or a commercial or residential holdup, panic, or duress alarm notification and the responding police officer determines that the alarm notification was false, the [The] responding police officer shall leave notice at the alarm site that the police department has responded to a false alarm notification. The notice must include the following information:

- (1) the date and time of police response to the false alarm notification;
- (2) the identification number of the responding police officer; and
- (3) a statement urging the permit holder to ensure that the alarm system is properly operated and maintained.

SEC. 15C-11. SYSTEM PERFORMANCE REVIEWS.

If there is reason to believe that a residential burglar alarm system or a commercial or residential holdup, panic, or duress ~~an~~ alarm system is not being used or maintained in a manner that ensures proper operation to suppress false alarms, the chief may require a conference to review the circumstances of each false alarm with the alarm permit holder and the alarm company under contract with the alarm permit holder. A person may be issued a citation for failing to attend a system performance review after receiving notice of the conference from the chief.

SEC. 15C-12. SERVICE FEES; PAYMENT PLAN.

(a) The holder of an alarm permit for, or the person in control of, a burglar ~~an~~ alarm system at a residential alarm site shall pay a service fee, in accordance with the following schedule, ~~of \$50~~ for each false burglar alarm notification (in excess of three) ~~five~~ that is emitted from the ~~an~~ alarm site, or in the case of an apartment complex from each individual residential unit, within any 12-month period; ~~[-]~~

FALSE ALARM NOTIFICATION

SERVICE FEE

Fourth, fifth, and sixth

\$50

Seventh and eighth

\$75

Ninth and subsequent

\$100

(b) The holder of an alarm permit for, or the person in control of, a holdup, panic, or duress alarm system at a residential alarm site shall pay a service fee of \$100 for each false holdup, panic, or duress alarm notification that is emitted from the alarm site, or in the case of an apartment complex from each individual residential unit.

(c) The holder of an alarm permit for, or the person in control of, a holdup, panic, or duress alarm system at a commercial alarm site or at an apartment complex (but only in the nonresidential areas of the apartment complex or unoccupied residential units covered by the apartment complex's master alarm permit) shall pay a service fee, in accordance with the following schedule, for each false holdup, panic, or duress alarm notification emitted from the alarm site within any 12-month period:

FALSE ALARM NOTIFICATION

SERVICE FEE

First

\$100

Second

\$200

Third

\$300

Fourth and subsequent

\$400

(d) The holder of an alarm permit or the person in control of an alarm system may, at the city's discretion, enter into an agreement with the city to pay any outstanding service fees on a scheduled payment plan.

SEC. 15C-13. REVOCATION OF AN ALARM PERMIT.

(a) The chief may revoke an alarm permit if it is determined that:

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

(2) the permit holder has failed to pay a service fee assessed under Section 15C-12 within 90 days after a bill for the assessment was issued and has not established a payment plan under Section 15C-12(d) ~~[(b)]~~ for those fees; ~~[(e)]~~

(3) the permit holder has failed to comply with the terms of a payment plan established under Section 15C-12(d) ~~[(b)]~~; or

(4) the permitted alarm system has had eight or more false alarm notifications within the preceding 12-month period.

(b) A person commits an offense if he operates an alarm system during the period in which the alarm permit is revoked.

**SEC. 15C-14. NOTICE OF DENIAL OR REVOCATION OF A PERMIT;
APPEALS.**

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

(b) The applicant or permit holder may appeal a denial, nonrenewal, or revocation of an alarm permit or the assessment of a service fee to the city manager by filing with the city manager a written request for a hearing, setting forth the reasons for the appeal, within 10 days after receipt of the notice of the chief's action or the bill assessing a service fee. The filing of a request for an appeal hearing with the city manager stays an action of the chief or the assessment of a service fee until the city manager or a designated representative makes a final decision. If a request for an appeal hearing is not made within the 10-day period, the action of the chief or the assessment of the service fee is final.

(c) The city manager or a designated representative shall serve as hearing officer at an appeal and consider evidence by any interested person. The formal rules of evidence do not apply at an appeal hearing. The hearing officer shall make a decision on the basis of a preponderance of the evidence presented at the hearing. The hearing officer must render a decision within 60 days after the request for an appeal hearing is filed.

(d) The hearing officer shall affirm, reverse, or modify the action of the chief or the assessment of the service fee; except, that a hearing officer may not reduce or increase the amount designated in Section 15C-12(a), (b), or (c), whichever is applicable, for a service fee that is assessed for a false alarm notification determined by the hearing officer to have occurred. The decision of the hearing officer is final as to administrative remedies with the city.

SEC. 15C-14.1. REINSTATEMENT OF 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 permit reinstatement fee in accordance with Section 15C-2(c); and

(2) pays all outstanding service fees assessed under this article for which a bill has been issued and for which a payment plan has not been established under Section 15C-12(d) [~~(b)~~].

(b) A reinstated permit expires the same date on which the original permit would have expired had it not been revoked.

SEC. 15C-15. RESERVED. [PROTECTION OF FINANCIAL INSTITUTIONS.

~~(a) — A financial institution required to have an alarm system pursuant to the provisions of the Bank Protection Act of 1968 (12 U.S.C., Section 1882) may install, with the permission of the chief, a signal line directly to the police department for the purpose of reporting burglaries and robberies. If such an arrangement is made, all other requirements of this chapter must be met. The financial institution shall execute a letter of agreement with the city permitting the installation of all necessary equipment on an indicator panel monitored in the communications division of the police department. The installation must be accomplished at the institution's expense.~~

~~(b) — The financial institution shall pay an annual fee of \$300 for each indicator. The chief shall have the right, at reasonable times and upon oral notice, to inspect the alarm system at the alarm site and require necessary repairs or improvements. If the chief finds that the alarm system continually fails to operate properly or be operated properly, the chief may terminate the privilege to have equipment and indicators in the communications center of the police department and require prompt removal of the equipment at the expense of the financial institution.~~

~~(c) — The financial institution, at its expense, shall make arrangements to provide service for the alarm system at the request for the financial institution or the chief on a 24 hour basis, seven days a week. In no event may the city become liable for charges for repairs and maintenance.~~

~~(d) — The financial institution may cancel its agreement with the city at any time by giving the city written notice through the chief and, at its own expense, remove its equipment and indicators from the monitor panel in the communications center.~~

~~(e) — The chief may require any change, modernization, or consolidation of alarm signaling equipment that the chief deems advisable. In no event may the city become liable for charges for these changes.~~

~~(f) — Instead of a direct line, a financial institution may report burglaries and robberies by transmission through an alarm reporting service using a special trunkline designated by the chief.]~~

SEC. 15C-16. VIOLATIONS; PENALTY; CORPORATIONS, PARTNERSHIPS AND ASSOCIATIONS.

(a) An alarm company, a private responder, an alarm permit holder, or a person in control of an alarm system commits an offense if he violates any provision of this article by either commission of an act that is forbidden or omission of a duty or responsibility imposed upon him by this article.

(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. Each offense is punishable by a fine of not more than \$500 and not less than:

- (1) \$200 for the first conviction; and
- (2) \$250 for the second and 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 in behalf of the corporation, partnership, or other association, and within the scope of employment.

(d) Notwithstanding any other provision of this article and in accordance with Section 214.199 of the Texas Local Government Code, as amended, a person in control of a burglar alarm system at a commercial alarm site is not subject to any fines, fees, or penalties for violations of this article that are attributable to the operation of the commercial burglar alarm system. The person will remain subject to fines, fees, and penalties attributable to the operation of any holdup, panic, or duress alarm system at the commercial alarm site.

SEC. 15C-17. RESERVED.”

SECTION 2. That any person holding a valid burglar alarm permit for a commercial alarm site that was issued by the city before February 1, 2006 will continue to receive police response to burglar alarm signals from the permitted commercial burglar alarm system until the expiration, revocation, or other termination of that permit, whichever occurs first. During that time, however, the permit holder and the permitted commercial burglar alarm system will be subject to the same permit fees, false alarm service fees, fines, penalties, and other regulations established by this ordinance for residential burglar alarm systems. Commercial burglar alarm systems for which permits are issued, renewed, or reinstated on or after February 1, 2006 will be regulated by all Chapter 15C provisions governing commercial burglar alarm systems (including verified response) as adopted by this ordinance.

SECTION 3. That CHAPTER 15C of the Dallas City Code, as amended, will remain in full force and effect, save and except as amended by this ordinance. Any proceeding, civil or criminal, based upon events that occurred prior to the effective date of this ordinance are saved, and the former law is continued in effect for that purpose.

SECTION 4. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of CHAPTER 1 of the Dallas City Code, as amended.

SECTION 5. That this ordinance will take effect on February 1, 2006, and it is accordingly so ordained.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

By _____
Assistant City Attorney

Passed _____

LC/DCC/00381A