

CITY OF KIRBY ALARM SYSTEM ORDINANCE NO. 0-2004-603
(A complete copy of this ordinance can be requested through City Hall)
(The permit fees will be begin as of January 1, 2005)

A person commits an offense if he installs, operates or causes to be operated an alarm system without first obtaining a permit from the city. A separate permit is required for each type of alarm notification capable of being emitted from each alarm site, provided, that a combined fire/burglar alarm system shall require only one permit. Any person with an alarm system on the effective date of this ordinance must apply for a permit within sixty (60) days after the effective date.

Upon receipt of the required fee and completed application form, the city shall issue a permit unless there is cause to believe the equipment responsible for initiating an alarm will not be maintained and operated in accordance with this ordinance or the applicant will not comply with each provision of this ordinance.

Each permit application must contain the name, address, and telephone number of the individual or alarm user representative who will be the permit holder and be responsible for the proper maintenance and operation of the alarm system and payment of fees or charges levied under this ordinance.

An alarm permit cannot be transferred to another person. However, the individual designated to respond to an alarm or relay an alarm may be changed. A permit holder shall within five (5) business days inform the police department of any changes that alters information listed on the permit application. No fee will be assessed for such changes.

Any false statement or misrepresentation of a material fact made by an applicant for the purpose of obtaining an alarm permit or renewal, or while making a change thereto, shall be sufficient cause for refusal to grant, or for suspension of, a permit.

Fee

A non-refundable fee of seven dollars and fifty cents (\$7.50) per calendar year is required for each permit or renewal of a permit for a residence and twenty-five dollars (\$25.00) per years for a commercial establishment. Permit fees will not be prorated for partial years. All permits shall expire December thirty-first of the year of issuance and no permit shall be issued for more than one year. It is the responsibility of the permit holder to pay the renewal fee prior to expiration date. An alarm user that is a governmental political unit shall be subject to this ordinance, but a permit shall be issued without payment of the fee and shall not be subject to revocation or payment of additional fees or the imposition of any penalty provided herein.

There shall be a late charge of twenty-five dollars (\$25.00) for any permit not obtained or received within (30) days of the due date.

Service Charge

If within any calendar year five false burglar alarms and/or false fire alarms and/or panic alarms and/or other false notifications are emitted from an alarm site, the city shall assess the permit holder in control of that alarm site a fifty dollar (\$50.00) fee within that year for the sixth and all subsequent false alarms during the same calendar year.

The city shall assess the permit holder of a robbery alarm a fee of one hundred dollars (\$100) for each false robbery alarm notification emitted from the alarm site.

A permit holder shall pay all fees assessed under this section within fifteen (15) days after the date of notice of each false alarm. Receipt of notice by the permit holder shall be presumed based on a certificate of the officer responding to the false alarm that a notice of the false alarm was posted on the main entrance of the subject building and then an additional notice specifying the fee due was mailed by Certified Mail Return Receipt Requested and Regular Mail U.S. Postal Service to the permit holder at the address on the permit application.

The permit holder will be exempt from any fee charged for a false alarm notification which is later shown to have been justified or which was due to a natural or manmade catastrophe or other situation specifically exempted by the Chief of Police.

All fees assessed under this section shall be due within fifteen (15) days after the date of notice of the false alarm generating the fee

Inspection

Upon reasonable notification, the police chief, or his designated representative, may inspect an alarm site and alarm system of a permit holder.

Suspension of Permit; Offense to Operate

The chief of police may suspend or refuse to renew an alarm system permit for any violation of this ordinance, including failure to pay any fees or charges due.

The chief of police shall suspend or refuse to renew an alarm permit if an alarm system generates an excessive number of false alarm notifications in a calendar year period. In each respective category, an excessive number shall be:

(1) Six (6) false burglar and/or fire alarms;

(2) Five (5) false robbery alarms;

A suspension may be lifted or permit renewed upon a sufficient showing that the conditions which caused the action have been corrected and if the chief of police determines that the alarm system is likely to be maintained and operated in a responsible manner in accordance with the provisions of this ordinance.

A person commits an offense if he operates an alarm system during a period of suspension or after the city refuses to renew his permit.

Punishment

A person who violates a provision of this ordinance is guilty of a Class C Misdemeanor and it is a separate offense for each violation and each day or portion of a day during which the violation is committed, continued, or permitted, and each offense is punishable by a fine not to exceed \$500.00.