

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, AMENDING SECTION 4.05.001, "DEFINITIONS," OF ARTICLE 4.05, "ALARM SYSTEMS," OF CHAPTER 4, "BUSINESS REGULATIONS," OF THE CODE OF ORDINANCES OF THE TOWN OF PROSPER, TEXAS, BY ADDING NEW DEFINITIONS OF "DURESS ALARM" AND "PANIC ALARM"; AMENDING SUBSECTION (a) OF SECTION 4.05.003, "OTHER TYPES OF ALARMS," OF ARTICLE 4.05, "ALARM SYSTEMS," OF CHAPTER 4, "BUSINESS REGULATIONS," OF THE CODE OF ORDINANCES OF THE TOWN OF PROSPER, TEXAS, BY INCLUDING DURESS AND PANIC; AMENDING SECTION 4.05.004, "SERVICE CHARGES," OF ARTICLE 4.05, "ALARM SYSTEMS," OF CHAPTER 4, "BUSINESS REGULATIONS," OF THE CODE OF ORDINANCES OF THE TOWN OF PROSPER, TEXAS, BY REVISING FEES TO BE CONSISTENT WITH CHAPTER 214 OF THE TEXAS LOCAL GOVERNMENT CODE; AMENDING FEES CONTAINED IN SECTION XVI, "ALARM SYSTEMS," OF APPENDIX A, "FEE SCHEDULE," TO THE TOWN'S CODE OF ORDINANCES; PROVIDING A PENALTY; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Town of Prosper, Texas (the "Town"), is a home-rule municipality possessing the full power of local self-government pursuant to Article 11, Section 5 of the Texas Constitution, Section 51.072 of Texas Local Government Code and its Home Rule Charter; and

WHEREAS, the Town Council possesses, pursuant to Subchapter F-1 of Chapter 214 of the Texas Local Government Code, as amended, the authority to regulate and permit burglar alarm systems in the Town; and

WHEREAS, in 2011, the Town Council adopted an ordinance, after providing notice and holding hearings as required under Chapter 214, regarding alarm systems whereby an alarm at a location without a permit would not be responded to by the Town; and

WHEREAS, the Town Council hereby finds that there has been and continues to be a large number of false alarms within the Town; and

WHEREAS, false alarms are a financial burden on all the citizens and a drain of Town resources; and

WHEREAS, the Town Council desires to amend its alarm system ordinance to be consistent with state law and further determines that the following amendments to the Town's regulation of alarm systems is in the best interest of the health, safety and welfare of the citizens of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, THAT:

SECTION 1

All of the above premises are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2

From and after the effective date of this Ordinance, Section 4.05.001, "Definitions," of Article 4.05, "Alarm Systems," of Chapter 4, "Business Regulations," of the Code of Ordinances of the Town of Prosper is hereby amended to read as follows:

"Sec. 4.05.001. Definitions.

The following definitions shall apply in the interpretation and enforcement of this article and shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

* * *

Duress alarm means 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.

* * *

Panic alarm means an audible alarm generated by the deliberate activation of a panic device.

* * *"

SECTION 3

From and after the effective date of this Ordinance, Article 4.05, "Alarm Systems," of Chapter 4, "Business Regulations," of the Code of Ordinances of the Town of Prosper is hereby amended by amending subsection (a) of Section 4.05.003, "Other Types of Alarms," to read as follows:

"Sec. 4.05.003. Other Types of Alarms.

- (a) A person shall not install or maintain an alarm system except for the purpose of eliciting responses to burglaries, robberies, panic/distress, fires or medical emergencies unless specifically authorized by the Director.

* * *"

SECTION 4

From and after the effective date of this Ordinance, Article 4.05, "Alarm Systems," of Chapter 4, "Business Regulations," of the Code of Ordinances of the Town of Prosper is hereby amended by amending Section 4.05.004, "Service Charges," to read as follows:

"Sec. 4.05.004. Service Charges.

- (a) If, within a 12-month permit period, six or more burglar false alarm notifications are emitted from an alarm site, the Director shall revoke or refuse to renew the permit of the alarm site.

- (b) The Director shall assess the permit holder a fee for each robbery false alarm notification emitted from the alarm site. Within a 12-month permit period, the fee for each robbery false alarm after three robbery false alarms shall be as specified in Appendix A.
- (c) The Director shall assess the permit holder a fee for each panic/duress false alarm notification emitted from the alarm site. Within a 12-month permit period, the fee for each panic/duress false alarm after three panic/duress false alarms shall be as specified in Appendix A.
- (d) The Director shall assess the permit holder a fee for each fire/medical false alarm notification emitted from the alarm site. Within a 12-month permit period, the fee for each fire/medical false alarm after three fire/medical false alarms shall be as specified in Appendix A.
- (e) A permit holder shall pay a fee assessed under this section within 30 days after receipt of notice that it has been assessed.
- (f) A permit holder will be exempt from any fee charged for a false alarm notification which is later shown to have been, in the Director's sole determination, justified or which was due to a natural or manmade catastrophe or other situation specifically exempted by the Director."

SECTION 5

From and after the effective date of this Ordinance, existing Section XVI, "Alarm Systems," of Appendix A, "Fee Schedule," to the Town's Code of Ordinances is hereby repealed in its entirety and replaced with a new Section XVI, "Alarm Systems," to read as follows:

"Sec. XVI. Alarm Systems.

- (a) Annual, permit or renewal fee (nonrefundable).
 - (1) Private residence: Fifty dollars (\$50.00).
 - (2) Business: One hundred dollars (\$100.00).
- (b) False alarms service charge (preceding 12 month period).
 - (1) Fee for each false burglar alarm:
 - (a) More than three but fewer than six: \$50.00.
 - (b) More than five but fewer than eight: \$75.00.
 - (c) Eight or more: \$100.00.
 - (2) Each false robbery/panic/duress alarm service charge.
 - (a) More than three but fewer than eight: \$75.00.
 - (b) Eight or more: \$100.00.

SECTION 6

All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict. Any remaining portion of conflicting ordinances shall remain in full force and effect.

SECTION 7

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason, held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town of Prosper hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

SECTION 8

Any person, firm, corporation or business entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine not to exceed the sum of Five Hundred Dollars (\$500.00), and each and every day such violation shall continue shall constitute a separate offense.

SECTION 9

This Ordinance shall become effective after its passage and publication.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS THE 22ND DAY OF JULY, 2025.

APPROVED:

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney