

CITY OF HORSESHOE BAY, TEXAS

ORDINANCE NO. ORD 06-12-12H

AN ORDINANCE OF THE CITY OF HORSESHOE BAY TO PROHIBIT INTENTIONAL FALSE ALARMS AND EXCESSIVE FALSE ALARMS, PROVIDING A PENALTY FOR VIOLATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, numerous homes and businesses within the City of Horseshoe Bay have alarm systems installed therein; and

WHEREAS, intentional and excessive false alarms cause emergency personnel of the City of Horseshoe Bay to respond unnecessarily, create unnecessary public apprehension and confusion; and result in the unnecessary expenditure of public funds; and

WHEREAS, the City Council of the City of Horseshoe Bay is of the opinion the intentional and excessive false alarms in the City should be prohibited;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HORSESHOE BAY, TEXAS, that:

Sec. 1. Definition

For the purpose of this Ordinance, a “false alarm” shall be defined as the activation of an alarm system intended to summon or cause a response from the City of Horseshoe Fire Department, the City of Horseshoe Police Department, or any other ambulance or emergency service entity that is authorized to provide service within the City of Horseshoe Bay, and when such a response actually occurs, but when no fire, burglary, medical crisis, injury, death, criminal behavior, or other emergency situation for which the alarm system was designed to summon such entity actually exists. Whether a false alarm was given shall be determined by the police, fire, or other emergency personnel who respond to the alarm based upon examination or inspection of the interior or exterior or existing situation at the premises at which the alarm was activated.

Sec. 2. Intentional False Alarms.

No person shall intentionally activate an alarm system for any purpose other than an emergency or threat of emergency of the kind for which the alarm system was designed to give notice; provided, however, it shall be an affirmative defense to prosecution under this section that the alarm system was sounded solely for the purpose of testing the alarm and the person who tested the alarm took reasonable precautions to avoid any request being made to the police department to respond to such alarm.

Sec. 3. Excessive False Alarms

The owner of a residence, business, or other property that is equipped with an alarm system shall be guilty of activating an excessive number of false alarms if five or more false alarms occur from that system during any twelve (12) month period. It shall be a defense that one or more false alarms was caused by weather conditions or other naturally occurring acts of God beyond the control of the owner. It shall not be a defense that a false alarm was caused unintentionally by a person or as a result of faulty equipment or installation.

Sec. 4. Penalty for Violation.

- (a) The penalty for causing an intentional false alarm shall be a criminal penalty of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00).
- (b) The penalty for causing excessive false alarms shall be a fine of not to exceed fifty dollars (\$50.00) for the first offense and not to exceed two thousand dollars (\$2000.00) for each subsequent offense.

Sec. 5. Repealer

Any ordinances or parts of ordinances in conflict herewith repealed to the extent that they are in conflict.

Sec. 6. Severability

If any of the provisions of this ordinance shall be held void or unconstitutional, it is hereby provided that all other part of the same which are not held void or unconstitutional shall remain in full force and effect.

Sec. 7. Effective Date

This ordinance will take effect upon its passage and publication in accordance with the law.

ADOPTED, PASSED AND APPROVED this the 12TH day of December, 2006.

CITY OF HORSESHOE BAY, TEXAS

_____/S/_____
Robert W. Lambert, Mayor

ATTEST:

_____/S/_____
Toni Vanderburg, City Secretary