

# GENERAL AND MISCELLANEOUS PROVISIONS

## CHAPTER 12

### Article 1. General Provisions

#### Sec. 12-1. How code designated and cited.

The ordinances embraced in this and the preceding and following chapters and sections shall constitute and be designated the "Big Spring City Code" and may be so cited.

#### Sec 12-2. Catch lines of sections.

The Catch lines of the several sections of this code are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the Catch lines are amended or reenacted.

#### Sec. 12-3. Definitions and rules on construction.

In the construction of this code, and of all ordinances and resolutions passed by the city council, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the city council:

(A) City. The words "the city" or "this city" shall mean the City of Big Spring in the County of Howard and State of Texas.

(B) City secretary, chief of police or other city officers. The words "city secretary", "chief of police", or other city officers or departments shall be construed to mean the city secretary, chief of police or such other municipal officers or departments, respectively, of the City of Big Spring.

(C) Council. Whenever the words "council", "the council", or "city council" are used, they shall mean the city council of the City of Big Spring.

(D) Councilman. Whenever the words "councilman" or "city councilman" are used, they shall mean a member of the city council, herein defined.

(E) Computation of time. Whenever a notice is required to be given or an act to be done a certain length of time before any proceeding shall be had, the day on which such notice is given or such act is done shall be counted in computing the time, but the day on which such proceeding is to be had shall not be counted.

(F) County. The words "county", "the county" or "this county" shall mean Howard County, Texas.

(G) Gender. A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.

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(H) Highway. The term "highway" shall include any street, alley, highway, avenue or public place or square, bridge, viaduct, tunnel, underpass, overpass or causeway in the city, dedicated or devoted to public use.

(I) Joint authority. Words purporting to give authority to three (3) or more officers or other persons shall be construed as giving such authority to a majority of such officers or other persons, unless it is otherwise declared.

(J) Month. The word "month" shall mean a calendar month.

(K) Number. Any word importing the singular number shall include the plural and any word importing the plural number shall include the singular.

(L) Oath. The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed".

(M) Or, and. "Or" may be read "and", and "and" may be read "or" if the sense requires it.

(N) Owner. The word "owner" applied to a building or land shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety, of the whole or of a part of such building or land.

(O) Person. The word "person" shall extend and be applied to associations, corporations, firms, partnerships and bodies politic and corporate as well as to individuals.

(P) Preceding, following. The words "preceding" and "following" mean next before and next after, respectively.

(Q) Roadway. The word "roadway" shall mean that portion of a street improved, designed or ordinarily used for vehicular traffic.

(R) Sidewalk. The word "sidewalk" shall mean any portion of the street between the curb, or the lateral line of the roadway and the adjacent property line, intended for use of pedestrians.

(S) Signature or subscription. The words "signature" or "subscription" shall include a mark when a person cannot write.

(T) State. The words "the state" or "this state" shall be construed to mean the State of Texas.

(U) Street. The term "street" shall include any highway, alley, street, avenue or public place or square, bridge, viaduct, underpass, overpass, tunnel or causeway in the city, dedicated or devoted to public use.

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(V) Tense. Words used in the past or present tense included the future as well as the past and present.

(W) Written or in writing. The words "written" or "in writing" shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

(X) Year. The word "year" shall mean a calendar year.

### **Sec. 12-4. Amendments or additions to code.**

All ordinances passed subsequent to the adoption of this code, which amend, repeal or in any way affect this code, may be numbered in accordance with the numbering system of this code and printed for inclusion therein. When subsequent ordinances repeal any chapter, section or subsection or any portion thereof, such repealed portions may be excluded from the code by omission from reprinted pages. The subsequent ordinances as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time that this code and subsequent ordinances numbered or omitted are readopted as a new code by the city council.

Amendments to any of the provisions of this code shall be made by amending such provisions by specific reference to the section number of this code in the following language: "That section of the Big Spring City Code is hereby amended to read as follows:" \_\_\_\_ " The new provisions shall then be set out in full as desired.

In the event a new section not heretofore existing in the code is to be added, the following language shall be used: "That the Big Spring City Code is hereby amended by adding a section, to be numbered \_\_\_, which said section reads as follows:..." The new section shall then be set out in full as desired.

### **Sec. 12-5. General penalty for violations of code or ordinance; continuing violations.**

Whenever in this code or in any ordinance of the city an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor or wherever in said code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of said provision of this code or said ordinance shall be punished by a fine not to exceed two hundred dollars (\$200.00); provided, however, the foregoing notwithstanding, the violation of any provision of this code or any ordinance governing fire safety, zoning, or public health and sanitation, including dumping of refuse, shall be punished by a fine not to exceed one thousand dollars (\$1,000.00); provided, however, no penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws of the state. Notwithstanding anything to the contrary in this code, the maximum penalty allowed by applicable state law shall be the maximum authorized penalty for a violation of a provision of this code or city ordinance. A separate offense shall be deemed committed on each day any violation of this code or ordinance occurs or continues. (Ord. 79-83, 10-11-83, §1; Ord. of 10-22-85)

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### **Sec. 12-6. Severability of parts of code.**

It is hereby declared to be the intention of the city council that the sections, paragraphs, sentences, clauses and phrases of this code are severable and, if any phrase, clause, sentence, paragraph or section of this code shall be declared unconstitutional by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this code since the same would have been enacted by the city council without the incorporation of this code of any such unconstitutional phrase, clause, sentence, paragraph or section.

### **Sec. 12-7. Special expenses - dismissal of cases due to defendant's actions.**

The Municipal Court, by and through the Municipal Judge or the Court Clerk, is hereby authorized to charge and collect a special expense for services performed in cases in which the laws of this state require that the case be dismissed because of actions by or on behalf of the defendant which are subsequent to the date of the alleged offense. Such actions are limited to compliance with the provisions of Subsection (a), Section 143a, Uniform Act Regulating Traffic On Highways (Art. 6701d, Vernon's Texas Civil Statutes). Such special expense shall be in the amount of \$10.00, or the actual expenses incurred, whichever is less.

This subsection is authorized through Article 45.06, Code of Criminal Procedure, and Article 6701d, Vernon's Texas Civil Statutes. (Rod. of 10-13-87)

### **Sec. 12-8. Municipal Court Security Fee.**

The Municipal Court, by and through the Municipal Judge or the Court Clerk is hereby authorized to charge and collect a special fee of \$3.00 collected from each defendant convicted in municipal court as a security fee as a cost of court as authorized by Vernon's Ann. CCP article 102.017. The fee is collected by the clerk of the court and remitted to the treasurer for deposit in the municipal court building fund. Money in the fund may be used only to finance the following items when used for the purpose of providing security services for buildings housing a municipal court:

- (1) The purchase or repair of x-ray machines and conveying systems;
- (2) Hand held metal detectors;
- (3) Walk through metal detectors;
- (4) Identification cards and systems;
- (5) Electronic locking and surveillance equipment;
- (6) Bailiffs, deputy sheriffs, deputy constables, or contract security personnel during times when they are providing appropriate security services;
- (7) Signage;

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(8) Confiscated weapon inventory and tracking systems; and

(9) Locks, chains, or other security hardware.

(Ord of 9-26-95)

### **Sec 12-9. Authority to issue citations to appear in municipal court.**

The directors or chiefs of the following City Departments and their authorized representatives shall have the power to issue one or more citations to any person to appear in Municipal Court, if there is probable cause to believe that the person is criminally responsible for any offense within the jurisdiction of the Municipal Court;

Police Department, Fire Department, Engineering Department, and Code Enforcement and Inspection Department.

(Ord. of 12-12-95)

### **Sec. 12-10. Municipal Court Technology Fund Established and Fee Authorized.**

The Municipal Court, by and through the Municipal Judge or the Court Clerk is hereby authorized to charge and collect a special fee of \$4.00 Dollars from a defendant convicted of a misdemeanor offense in municipal court as a technology fee as a cost of court as authorized by VERNON'S ANN. CODE CRIM. PRO. Article 102.0172. The fee is collected by the clerk of the court and remitted to the municipal treasurer for deposit in the "municipal Court Technology Fund". Money in the fund may only be used to finance the following items when used for the purpose of providing financing for the purchase of technological enhancements for municipal court.

The fund may only be used to finance the purchase of technological enhancements for the municipal court, including:

1. computer systems;
2. computer networks;
3. computer hardware;
4. computer software;
5. imaging systems;
6. electronic kiosks;
7. electronic ticket writers; and
8. docket management systems.

(Ord. Of 8-24-99)

### **Sec. 12-11. Online Payment Convenience Fee.**

An online payment convenience fee of One Dollar and Fifty Cents (\$1.50) will be charged to any customer that pays any municipal court fine/fee with a credit card via the internet. (Ord. of 8-25-15)

### **Sec 12-12 to 12-26. Reserved.**

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## **Article 2. Fair Housing**

### **Sec. 12-27. Definitions.**

For the purpose of this article the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words so used in the present tense include the future; words in the masculine gender include the feminine; words in the plural number include the singular, and words in the singular number include the plural.

(A) Discriminators housing practice. An act that is unlawful under sections 12-28, 29, 30 of this article.

(B) Dwelling. Any building, structure or portion thereof which is occupied as, or designed and intended for occupancy as a residence by one or more families or any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

(C) Family includes a single individual.

(D) Person includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, fiduciaries, and any other organization or entity of whatever character.

(E) To rent includes to lease, to sublease to let, and otherwise to grand for a consideration the right to occupy premises not owned by the occupant. (Ord. of 10-9-79, §1)

### **Sec. 12-28. Discrimination in the sale or rental of housing.**

Except as exempted by section 12-31, it shall be unlawful for any person to:

(A) Refuse to sell or rent, after the making of a bona fide offer or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race color, sex, religion or national origin.

(B) Discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, sex, religion or national origin.

(C) Make, print, publish or cause to be made, printed or published any notice, statement, or advertisement regarding the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, color, sex, religion or national origin, or any intention to make any such preference, limitation or discrimination.

(D) Represent to any person because of race, color, sex, religion or national origin that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.

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(E) For profit or with the hope or expectation of profit, induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, sex, religion or national origin.

(F) For profit or with the hope or expectation of profit to influence or attempt to influence, by any words, acts, or failure to act, any seller, purchaser, landlord or tenant of a dwelling so as to promote the maintenance of racially segregated housing or so as to retard, obstruct, or discourage racially integrated housing. (Ord. of 10-9-79, §2)

### **Sec. 12-29. Discrimination in the financing of housing.**

It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm, or enterprise whose business consists in whole or in part of the making of commercial or residential real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling or to discriminate against any such person in the fixing of the amount, interest rate, brokerage points, duration, or other terms or conditions of such loan or their financial assistance, because of:

(A) The race, color, sex, religion or national origin of such person or of any person associated with him in connection with such loan or such other financial assistance; or

(B) The race, color, sex, religion or national origin of the present or prospective owners, lessees, tenants or occupants of the dwelling or dwellings for which such loan or other financial assistance is to be made or given. (Ord. of 10-9-79, §3)

### **Sec. 12-30. Discrimination in the provision of brokerage services.**

It shall be unlawful for any person to deny access to or membership in any multiple listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate in the terms or conditions of such access, membership or participation, on account of race, color, sex, religion or national origin. (Ord. of 10-9-79, §4)

### **Sec. 12-31. Exemptions and exclusions.**

(A) There shall be exempted from the application of section 12-29 hereof all transactions involving:

(1) The rental of units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other if the owner actually maintains and occupies one of such units as his residence.

(2) The rental of a single room in a dwelling containing living quarters occupied or intended to be occupied by no more than one family if the person offering such room for rental actually maintains and occupies the remainder of such dwelling as his residence and not more than four such rooms are offered.

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(3) The sale or rental of any single house by a private individual who owns such house, provided that:

(a) The sale or rental is made without the use in any manner of the sale or rental facilities or the sales or rental services of any real estate broker, agent or salesman, or of such facilities or services of any person in the business of selling or renting dwellings or of any employee or agent of any such broker, agent, salesman or person; and

(b) The sale is made without the publication, posting or mailing of any advertisement or written notice in violation of section 12-28(C) of this article (this shall not prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title); and

(c) The owner does not own more than three (3) single family houses at the time of the sale; and

(d) The owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or any portions of the proceeds from the sale or rental of more than three (3) such single family houses at any one time.

(e) If the owner does not reside in the house at the time of sale or was not the most recent resident of such house prior to the sale, the exemption granted by this subsection shall apply only with respect to any such sale within any twenty-four (24) month period.

(B) Nothing in this article shall prohibit a religious organization, association, or society or any non-profit institution or organization operated, supervised or controlled by or in conjunction with a religious association or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such person, unless membership in such religion is restricted on account of race, color, sex or national origin.

(C) Nothing in this article shall prohibit a bona fide private club, not in fact open to the public, which as an incident to its primary purpose, provides lodging which it owns or operates for other than a commercial purpose from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.



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(D) Nothing in this article shall bar any person from owning and operating a housing accommodation in which a room or rooms are leased, subleased, or rented only to persons of the same sex, when such housing accommodation contains common lavatory, kitchen or similar facilities available for the use of all persons occupying such housing accommodation. (Ord. of 10-9-79, §5)

### Sec. 12-32. Fair housing administrator.

The mayor shall appoint and council shall confirm a fair housing administrator (hereinafter referred to as "administrator"), who shall have the responsibility for implementing this article. The administrator may delegate his authority to investigate and conciliate complaints to other city employees under his direction. (Ord. of 10-9-79, §6)

### Sec. 12-33. Complaints.

(A) Only the person who claims to have been injured by a discriminatory housing practice who believes he will be irrevocably injured by a discriminatory housing practice that has occurred or is occurring (hereinafter referred to as "person aggrieved") may file a complaint with the administrator. Such complaints shall be in writing and shall identify the person alleged to have committed or alleged to be committing a discriminatory housing practice and shall state the facts upon which the allegations of a discriminatory housing practice are based. The administrator shall prepare complaint forms and furnish them without charge to any person, upon request.

(B) If at any time the administrator shall receive or discover credible evidence and shall have probable cause to believe that any person or persons have committed or are committing a discriminatory housing practice as to which no complaint has been filed, the administrator may prepare and file a complaint upon his own motion and in his own name and such complaint shall thereafter be treated in the same manner as a complaint filed by a person aggrieved.

(C) The administrator shall receive and accept notification and referral complaints from the U.S. Attorney General and the Secretary of Housing and Urban Development pursuant to the provisions of Title VIII, Fair Housing Act of 1968, Public Law 90-284, and shall treat such complaints hereunder in the same manner as complaints filed pursuant to paragraph (a) of this section.

(D) All complaints shall be filed within sixty (60) days following the occurrence of an alleged discriminatory housing practice. Upon the filing or referral of any complaint, the administrator shall provide notice of the complaint by furnishing a copy of such complaint to the persons named therein who allegedly committed or were threatening to commit an alleged discriminatory housing practice. The accused may file an answer to the complaint within fifteen (15) days of receipt of the written complaint.

(E) All complaints and answers shall be subscribed and sworn to before an officer authorized to administer oaths. (Ord. of 10-9-79, §7)

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### **Sec. 12-34. Investigation.**

(A) Upon the filing or referral of a complaint as herein provided the administrator shall cause to be made a prompt and full investigation of the matter stated in the complaint.

(B) During or after the investigation, but subsequent to the mailing of the notice of complaint, the administrator shall, if it appears that a discriminatory housing practice has occurred or is threatening to occur, attempt by informal endeavors to effect conciliation, including voluntary discontinuance of the discriminatory housing practice and adequate assurance of future voluntary compliance with the provisions of this chapter. Nothing said or done in the course of such informal endeavors may be made public by the administrator, by the complainant or by any other party to the proceedings without the written consent of all persons concerned.

(C) Upon completion of the investigation and informal endeavors at conciliation by the administrator, but within thirty (30) days of the filing of the complaint with the administrator, if the administrator has made a determination that a discriminatory housing practice has in fact occurred, the administrator shall recommend to the city attorney that such violations be prosecuted in the municipal court. With such recommendations, the administrator shall refer his entire file to the city attorney. The city attorney shall, within thirty (30) days after such referral, make a determination as to whether to proceed with prosecution of such complaint in municipal court. If the city attorney determines to prosecute, he shall institute a complaint and prosecute same to conclusion within thirty (30) days after such determination or as soon thereafter as practicable. (Ord. of 10-9-79, §8)

### **Sec. 12-35. Cumulative legal effect.**

This article is cumulative in its legal effect and is not in lieu of any and all other legal remedies which the person aggrieved may pursue. (Ord. of 10-9-79, §9)

### **Sec. 12-36. Unlawful intimidation.**

It shall be unlawful for any person to harass, threaten, harm, damage or otherwise penalize any individual, group or business because he or they have complied with the provisions of this article, because he or they have exercised his or their rights under this article, or enjoyed the benefits of this article, or because he or they have made a charge, testified or assisted in any manner in any investigation, or in any proceeding hereunder or have made any report to the administrator. (Ord. of 10-9-79, §10)

### **Sec. 12-37. Cooperation with secretary of housing and urban development.**

The administrator and the city attorney are authorized to cooperate with the secretary of housing and urban development and the U.S. attorney general pursuant to the provisions of Title VIII, Fair Housing Act of 1968, Public Law 90-284, and may render such service to the secretary as they shall deem appropriate to further the policies of this article. (Ord. of 10-9-79, §11)

### **Sec. 12-38. Education and public information.**

In order to further the objectives of this article, the administrator may conduct educational and public information programs. (Ord. of 10-9-79, §12)

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### **Sec. 12-39. Penalty.**

Any person, firm or corporation violating any provision of this article shall be guilty of a misdemeanor, and upon conviction shall be fined a sum not to exceed two hundred dollars (\$200.00) for each violation. A separate and distinct offense shall be deemed committed on each day a violation continues after passage of seventy-five (75) days from the date of filing of the initial complaint with the administrator.

Any person, firm or corporation violating any provision of this article may be enjoined by a suit filed by the city in a court of competent jurisdiction, and this remedy is in addition to any other penalty provision. (Ord. of 10-9-79, §13)

### **Sec. 12-40. Severability.**

If any provision, section, subsection, sentence, clause or phrase of this article, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid (or for any reason unenforceable), the validity of the remaining portions of this article or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the city council of the City of Big Spring in adopting and of the mayor in approving this article, that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion, provision or regulation, and to this end all provisions of this article are declared to be severable. Ord. of 10-9-79, §14)

### **Sec. 12-41 to 12-49. Reserved.**

## **Article 3. Burglar, Robbery, and Fire Alarm Systems**

### **Sec. 12-50. Purpose and Scope.**

(A) The purpose of this ordinance is to insure that alarm systems within the City of Big Spring are maintained or of sufficient quality to adequately serve the purposes for which they are designed, to conserve the resources of the emergency response services of the City of Big Spring and to protect police officers and fire department employees in the course of their duties.

(B) This article governs the burglary, robbery, and fire alarm systems in operation within the corporate limits of the City of Big Spring, provides penalties for violations and establishes a system of administration.

(Ord. of 4-12-88)

### **Sec. 12-51. Definitions.**

For the purpose of this ordinance the following terms, phrases, words and their derivations shall have the meaning given herein:

(A) "Alarm Systems" means the assembly of equipment, mechanical or electrical, arranged to signal the occurrence of an illegal entry, illegal activity, smoke, fire, or sprinkler system activation,

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requiring urgent attention to which police and/or fire department personnel are expected to respond. Excluded from this definition are:

(1) Those alarm systems which when activated, either turn on lights or emit loud noises or both, without any telephonic or electrical impulse being transmitted to any alarm system central dispatch or the Big Spring Police and Fire Department dispatcher's office.

(2) Audible alarms affixed to automobiles or other motor vehicles.

(B) "Alarm User" means the person, firm, partnership, association, corporation, company, organization, state or subdivision thereof of any kind in control of any building, structure or facility wherein an alarm system is maintained.

(C) "Automatic Dialing Device" means a device which is interconnected to a telephone line and is programmed to select a predetermined telephone number and transmit by voice message or code signal an emergency message indicating a need for emergency response.

(D) "Police and Fire Department Dispatcher's Office" is the City facility used to receive emergency and general information from the public to be dispatched to respective police and fire department officials for response.

(E) "Burglar Alarm Systems" means an alarm system signaling an entry or attempted entry into the area protected by the alarm system.

(F) "Robbery Alarm System" means an alarm system signaling the robbery or attempted robbery of a person.

(G) "Fire Alarm" means an alarm system used to detect heat, fire, smoke, or activation of a sprinkler system in a protected area.

(H) "Alarm Coordinator" means that individual designated by the Chief of Police to enforce the provisions as set forth in this ordinance.

(I) "False Alarm" means the activation of an alarm system through mechanical failure, malfunction, improper installation, or negligence of the owner or lessee of an alarm system or his employees or agents. Such terminology does not include alarms caused by hurricanes, tornadoes, earthquakes, or other violent conditions or Acts of God. At any time an alarm system is activated during times other than a hurricane, tornado, earthquake or other violent conditions and such alarm is not the result of an illegal entry or an attempted illegal entry, fire, or situation requiring emergency personnel, such alarm will be considered false under this definition.

(J) "Police Chief" means the Chief of Police of the City of Big Spring or his designated representative.

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(K) "Fire Chief" means the Chief of Fire of the City of Big Spring or his designated representative.

(L) "Police" or "Fire Department" means the Police Department or the Fire Department of the City of Big Spring or any authorized agent thereof.

(M) "False Alarm Fee" means a fee as required by this ordinance to compensate for Police and Fire Units responding to alarm area after two false alarms within a month.

### **Sec. 12-52.   Violations.**

(A) Each alarm user, will be allowed a maximum of two false burglar alarms, robbery alarms or fire alarms in each month. The receipt of a third false alarm in a month shall constitute a violation of this ordinance. (Ord. of 4-12-88)

### **Sec. 12-53.   Penalty.**

(A) Following the receipt of a third false alarm within a month, and after notice and an opportunity of a hearing as described below, the alarm system shall be disconnected from the police and fire dispatch office until a \$150.00 false alarm fee has been paid. (Ord. of 4-12-88)

### **Sec 12-54.   Notification.**

(A) In order to properly notify the alarm user of his or her status relative to the number of false alarms received by the alarm coordinator's office, the following notification schedule will be created:

(1) First false alarm - No action; written record of alarm shall be maintained in the alarm coordinator's office.

(2) Second false alarm - Upon receipt of the second false alarm, the alarm coordinator or his designee shall notify in writing the particular alarm user that there has been a second false alarm received by the alarm coordinator's office relative to the specific alarm user. In addition, the written notification shall contain a warning statement that upon the receipt of a third false alarm actuated from the premises, the alarm system may be disconnected.

(3) Third false alarm - Upon receipt of a third false alarm, the alarm coordinator or his designee shall notify the alarm user of the receipt of a third false alarm by personal service of the notice upon the individual or corporate officer responsible for the alarm system. The notice shall contain the warning that unless the alarm user requests a hearing before the Municipal Court of Big Spring within 3 working days the alarm system shall be disconnected from the police and fire dispatchers office and shall remain disconnected until the \$150.00 false alarm fee is paid.

(4) Hearing - In the event an alarm user requests a hearing, the Municipal Court shall set the case for its next regular docket to determine whether there has been a violation of this ordinance. (Ord. of 4-12-88)

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### **Sec. 12-55. Miscellaneous Provisions.**

No person shall conduct any test or demonstration of an alarm system designed to make direct connection with the Big Spring Police and Fire Dispatch Office without first obtaining permission from the alarm coordinator. (Ord. of 4-12-88)