

ORDINANCE NO. 2021-55

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING SECTION 30.029 OF THE SAN MARCOS CITY CODE TO AUTHORIZE THE ASSESSMENT OF A SERVICE FEE TO THE HOLDER OF AN ALARM PERMIT FOR EACH CITY RESPONSE TO A FALSE ALARM IN EXCESS OF THREE FALSE ALARMS, INSTEAD OF SIX, WITHIN ANY 12-MONTH PERIOD; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

SECTION 1. Section 30.029 of the San Marcos City Code regarding the assessment of a service fee for city responses to excessive false alarms is amended as set forth below. Added text is indicated by underlining. Deleted text is indicated by strikethroughs.

Sec. 30.029. Service fee for city responses to excessive false alarms.

(a) The city will assess a service fee to the permit holder in accordance with a schedule adopted by the city council for each response by the city to the permit holder's premises for a false alarm in excess of ~~six~~ three false alarms within any 12-month period.

(b) If a person applies for a permit before a new alarm system is put in operation, no service fee will be assessed during the first 45 days after issuance of a permit, and any activation of an alarm system which causes a response by the police or San Marcos Fire Department during that period will not be counted in assessing a service fee.

(c) A permit holder may present evidence to the police or fire chief that the activation of an alarm system was not a false alarm. If the police or fire chief determines that the activation was not a false alarm, any response by the police or San Marcos Fire Department to the activation will not be included in determining the service fee set out in this section. The burden shall be on the permit holder to prove that the activation of the alarm system was not a false alarm.

SECTION 2. In codifying the changes authorized by this ordinance, paragraphs, sections and subsections may be renumbered and reformatted as appropriate consistent with the numbering and formatting of the San Marcos City Code.

SECTION 3. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

SECTION 4. All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

SECTION 5. This ordinance will take effect after its passage, approval and adoption on second reading.

PASSED AND APPROVED on first reading on August 3, 2021.

PASSED, APPROVED AND ADOPTED on second reading on August 17, 2021. .

Jane Hughson
Mayor

Attest:

Approved:

Tammy K. Cook
Interim City Clerk

Michael J. Cosentino
City Attorney