

ORANGE COUNTY EMERGENCY SERVICES DISTRICT NO. 1

ORDER NO. 04-15-19-I

AN ORDER ADOPTING FEES FOR RESPONDING TO FALSE FIRE OR OTHER EMERGENCY ALARMS ON BEHALF OF AN INDIVIDUAL OR ENTITY; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Board of Emergency Services District No. 1 (“District”) are authorized, pursuant to Texas Health & Safety Code 775.040, and other provisions, to charge a reasonable fee for emergency services performed for or on behalf of a person or entity, including a fee for responding to a false alarm or for a fire code inspection;

WHEREAS, the District desires to adopt a reasonable fee for responding to a false alarm and to provide for its enforcement in furtherance of protecting the health and safety of those residing within the territory of the District and in furtherance of preventing fires and medical emergencies;

It is, therefore, **ORDAINED, RESOLVED AND ORDERED** by the Board of Emergency Services Commissioners of Orange County Emergency Services District No. 1 that:

Section 1. FINDINGS

The foregoing recitals are hereby found to be true and correct and are hereby adopted as findings of fact and conclusions of law the Board of Emergency Services Commissioners of Orange County Emergency Services District No.1, and made a part hereof for all purposes.

Section 2. DEFINITIONS

- A. “Alarm System” means any mechanical or electronic device that either by audible sound and/or silent signal is to activate emergency services, whether a monitored system or not.
- B. “Building” means any structure intended for use as a habitation or residence, a commercial building, or for use in a purpose of trade, manufacture, ornament, or other use, including a single premise of whatever nature or use or street address served by an alarm system or systems that are under the control of a person or entity.
- C. “Commercial Building” means a building that is used for some purpose or trade.
- D. “District” means Orange County Emergency Services District No.1, its agents, representatives, volunteers, or employees or any of its contracted service providers.
- E. “Emergency Services” means fire, police, emergency medical services or other requests for emergency response and assistance or the investigation of an alarm system activation.
- F. “False Alarm” means any alarm from an alarm system that was discharged falsely, accidentally, through mechanical failure, malfunction, misuse, abuse, improper

installation, lack of maintenance, or by negligence of the user or his or her employees, agent, or representatives or anyone on in or around the building, and includes alarms resulting from user or operator error, or activation by animals or any and all other internal or external initiators.

- G. "False Alarm Notification" means a direct or indirect alarm notification to police, fire, emergency medical services, or other emergency services when responding personnel find no evidence of an actual police, fire, emergency medical services or other emergency.
- H. "Monitored System" means an alarm system that sends a signal to a central station or other monitoring system to activate emergency services whether directly or indirectly or by means of an automated or non-automated signal.
- I. "Residence" means a structure or portion of a structure used as person's home or fixed place of habitation to which the person indicates intent to return after any temporary absence.
- J. "User" means the owner, agent, or other person in control of a building or property on which an alarm system or systems is maintained.

Section 3. FALSE ALARMS AND FEES

- A. Pursuant to 775.040, and any other applicable law, the user of an alarm system that upon activation elicits an emergency services response by the District, shall be subject to the following fees for each false alarm or false alarm notification in each calendar year.
- B. The fees for responding to a false alarm or false alarm notification in a calendar year shall be:
 - 1. First and second false alarms or false alarm notifications: No charge.
 - 2. Third and fourth false alarms or false alarm notifications: \$100.00 each.
 - 3. Fifth and sixth false alarms or false alarm notifications: \$200.00 each.
 - 4. Seventh and subsequent false alarms or false alarm notifications: \$300.00 each.
- C. The above-noted fees shall be imposed whether received or initiated by a monitored system or not, and may be collected as provided for in Chapter 775, Texas Health & Safety Code or other applicable law.
- D. The user of the alarm will be given 10 business days to pay the bill. Failure to do so will result in a daily late fee of \$50.00 and may result in further civil or criminal action as allows by law.
- E. Any notices required to be sent hereunder by the District will be sent certified mail, return receipt requested and the legal owner of the property at the time will be presumed to be the owner of the property to whom any notice may be sent.

- F. An offense under this Order or any Order amended hereby shall not require culpable mental state. It is the intent of this Order to impose strict liability for a violation of this Order, and a specific culpable mental status is not required.

Section 4. CONFLICT

Whenever any provision of this Order conflicts with those contained in another Order, the most stringent or restrictive provision shall control.

Section 5. SEVERABILITY

If any article, section, or provision of this Order is found invalid, unconstitutional, or inoperative by any court with jurisdiction to determine same, then the other articles, sections, or provisions herein shall remain in force and effect.

Section 6. EFFECTIVE DATE

This order will become effective upon its passage by the Commissioners of the District.

PASSED AND APPROVED THIS ____ DAY OF _____, 2019.

ORANGE COUNTY EMERGENCY SERVICES
DISTRICT NO.1

By: _____

Wyatt Boyett, President

ATTEST:

Rose Luce, Secretary