

ORDINANCE NO. OR-1790-10

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANSFIELD, SECTION 97.02 OF ORDINANCE 1775-10, PROVIDING FOR AN EXEMPTION TO THE RESIDENTIAL ALARM PERMITTING FEES TO 100% DISABLED VETERANS AS DOCUMENTED FROM EITHER THE VETERANS' ADMINISTRATION OR BRANCH OF THE ARMED FORCES; PROVIDING DEFINITIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE

WHEREAS, The Code of Ordinances Chapter 97, of the City of Mansfield, Texas, was updated and adopted under OR-1775-10 on August 9th, 2010; and

WHEREAS, The City Council, during the September 27th, 2010 Council Meeting and under New Business item 10-2053, entered into discussion regarding an Amendment to Ordinance OR-1775-10, Alarm System Permit Ordinance regarding an exemption of alarm fees for permanently 100% Disabled Service Veterans.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS:

## SECTION 1.

The Code of Ordinances Chapter 97, of the City of Mansfield, Texas, be, and the same is hereby, amended by adding the following definitions and sections.

## CHAPTER 97: ALARM SYSTEMS

## 97.01 Definitions

In this chapter the following terms and phrases shall have the following meanings:

**Act of God** means events outside of human control, such as sudden floods, tornados or other natural disasters, for which no one can be held responsible.

**Alarm Administrator** means a person or persons designated by the Chief to administer, control and review false alarm reduction efforts and administer the provisions of this chapter.

**Alarm Installation Company** means a person in the business of selling, providing, maintaining, servicing, repairing, altering, replacing, moving or installing an alarm system in an alarm site.

**Alarm Dispatch Request** means a notification to the city that an alarm has been activated at a particular alarm site and that city emergency service is requested.

**Alarm Permit** means authorization granted by the alarm administrator to an alarm user to operate an alarm system.

**Alarm Permit Application** means the written application for and alarm permit filed by an alarm user with the alarm administrator.

**Alarm Site** means a single fixed premises or location served by an alarm system or systems. Each unit, if served by a separate alarm system in a multi-unit building or complex, shall be considered a separate alarm site, and is further defined by the following categories:

- (a) *Residential site* means a single family residence and each residential unit of multi-unit building or complex which is served by an alarm system.
- (b) *Commercial site* means every premises or location where any business activity is regularly conducted and which is served by an alarm system. Each unit of a business premises or business location, if served by a separate alarm system in a multi-unit building or complex, shall be considered a separate commercial alarm system site.
- (c) *Financial site* means every premises or location of a financial institution which is required to have an alarm system pursuant to the Bank Protection Act of 1968 (12 U.S.C. §1882).
- (d) *Educational/government site* means every premises or location of a public or private school or school administrative office and every premises or location of any federal, state, county or municipal governmental office.
- (e) *Church site* means a building for public worship or religious services. Each unit of a church premises or church location, if served by a separate alarm system in a multi-unit building or complex, shall be considered a separate church alarm system site.

**Alarm System** means a device or series of devices, including, but not limited to, hardwired systems and systems interconnected with a radio frequency method such as cellular or private radio signals, which emit or transmit a remote or local audible, visual or electronic signal indicating an alarm condition and intended to summon a city emergency service response, including local alarm systems. Alarm system does not include an alarm installed in a vehicle or on someone's person unless the vehicle or the personal alarm is permanently located at a site.

**Alarm User** means any person who (which) owns or operates an alarm system at an alarm site.

**Arming Station** means a device that allows control of an alarm system.

**Automatic Voice Dialer** means any electrical, electronic, mechanical, or other device capable of being programmed to send a prerecorded voice message, when activated, over a telephone line, radio or other communication system, to a city emergency service requesting dispatch.

**Cancellation** means the process where response is terminated when a monitoring company (designated by the alarm user) for the alarm site notifies the responding city emergency service that there is not an existing situation at the alarm site requiring a response after an alarm dispatch request.

**Chief** means the Chief of Police of the City of Mansfield or authorized representative.

**City** means the City of Mansfield, Texas.

**City Emergency Service** means any emergency service provided by the city, including police, fire, and emergency medical services.

**City Manager** means the City Manager of the City of Mansfield, Texas, or the city manager's designee.

**Disabled Veteran Exemption** means you qualify for a disabled veteran alarm permit/renewal fee exemption if you are a veteran who was designated as 100% disabled while serving with the United States armed forces. The veteran must provide official documents to the Alarm Administrator or designee from either the Veteran's Administration or the branch of the armed forces that clearly reflects the 100% disability rating at the time of the application to be eligible for this exemption.

**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.

**False Alarm Notification** means an alarm notification to the City of Mansfield when a police officer is dispatched to respond to the location and is cancelled enroute by the Alarms System Company or the responding officer finds, through an inspection of the interior or exterior of the alarm site, no evidence of an attempted or actual unauthorized intrusion, burglary, robbery or hostage taking and the officer has responded to the site within thirty (30) minutes of the City of Mansfield receiving the alarm notification.

**Holdup Alarm** means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress.

**Local Alarm System** means any alarm system, which is not monitored, that emits an audible alarm only at the alarm site.

**Monitoring** means the process by which a monitoring company receives signals from an alarm system and relays an alarm dispatch request to the municipality for the purpose of summoning city emergency services to the alarm site.

**Monitoring Company** means a person in the business of providing monitoring services.

**Panic Alarm** means an audible alarm system signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring emergency response.

**Person** means an individual, corporation, partnership, association, organization or similar entity.

**Responder** means an individual capable of reaching the alarm site within thirty (30) minutes and having access to the alarm site, the code to the alarm system and the authority to approve repairs to the alarm system.

**SIA Control Panel Standard CP-01** means the ANSI -- American National Standard Institute approved Security Industry Association -- SIA CP-01 Control Panel Standard, as may be updated from time to time, that details recommended design features for security system control panels and their associated arming and disarming devices to reduce the incidence of false alarms. Control panels built

and tested to this standard by Underwriters Laboratory (UL), or other nationally recognized testing organizations, will be marked to state: "Design evaluated in accordance with SIA CP-01 Control Panel Standard Features for False Alarm Reduction".

**Transfer** means the transaction or process by which an alarm user takes over control of an existing alarm system, which was previously controlled by another alarm user.

**Verify** means an attempt by the monitoring company, or its representative, to contact the alarm site and/or alarm user by telephone and/or other electronic means, whether or not actual contact with a person is made, to determine whether an alarm signal is valid before requesting city emergency service dispatch, in an attempt to avoid an unnecessary alarm dispatch request. For the purpose of this chapter, telephone verification shall require, as a minimum that a second call be made to a different number if the first attempt fails to reach an alarm user who can properly identify themselves to determine whether an alarm signal is valid before requesting an emergency response.

**Zones** mean division of devices into which an alarm system is divided to indicate the general location from which an alarm system signal is transmitted.

#### **97.02 Permit required; application: fee; transferability; false statements.**

A. No alarm user shall operate, or cause to be operated, an alarm system at its alarm site without a valid alarm permit. A separate alarm permit is required for each alarm site.

B. The fee for an alarm permit or an alarm permit renewal is set forth below and shall be paid by the alarm user. No refund of a permit or permit renewal fee will be made. The initial alarm permit fee must be submitted to the alarm administrator within five (5) days after the alarm system installation or an alarm system transfer.

(1) Permit fees: (see fine and fee table).

(2) Renewal fees: (see fine and fee table).

C. Upon receipt of a completed alarm permit application form and the alarm permit fee, the alarm administrator shall register the applicant unless the applicant has:

(1) Failed to pay a fine assessed under section 97.07; or

(2) Had an alarm permit for the alarm site suspended and the violation causing the suspension has not been corrected.

D. Each alarm permit application must include the following information:

(1) The name, complete address (including apt/suite number), and telephone numbers of the person who will be the permit holder and be responsible for the proper maintenance and operation of the alarm system and payment of fees assessed under this article.

(2) The classification of the alarm site as either residential (includes apartment, condo, mobile home, etc.) commercial, financial, church or educational/government.

(3) For each alarm system located at the alarm site, the classification of the alarm system (i.e. burglary, holdup, fire, emergency medical, duress, panic alarms or other) and for each classification whether such alarm is audible or silent.

(4) Mailing address, if different from the address of the alarm site.

(5) Any dangerous or special conditions present at the alarm site.

(6) Names and telephone numbers of at least two individuals who are able and have agreed to: (a) receive notification of an alarm system activation at any time; (b) respond to the alarm site within thirty (30) minutes at any time; and (c) upon request can grant access to the alarm site and deactivate the alarm system if necessary.

(7) Type of business conducted at a commercial alarm site.

(8) Signed certification from the alarm user stating the following:

a. The date of installation or transfer of the alarm system, whichever is applicable.

b. The name, address, and telephone number of the alarm installation company or companies performing the alarm system installation or transfer and of the alarm installation company responsible for providing repair service to the alarm system.

c. The name, address, and telephone number of the monitoring company if different from the alarm installation company.

d. That a set of written operating instructions for the alarm system, including written guidelines on how to avoid false alarms, have been left with the applicant by the alarm installation company.

e. An acknowledgment that the alarm installation company has trained the applicant in proper use of the alarm system, including instructions on how to avoid false alarms.

f. An acknowledgment that the alarm user understands and agrees that a city emergency service response may be influenced by factors including, but not limited to the availability of city emergency service units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels, etc.

g. Any false statement of a material fact made by an applicant for the purpose of obtaining an alarm permit shall be sufficient cause for refusal to issue a permit or for suspension of an existing permit.

h. An alarm permit cannot be transferred to another person or alarm site. An alarm user shall inform the alarm administrator of any change that alters any of the information listed on the alarm permit application within five (5) business days of such change.

i. All fines and fees owed by an applicant must be paid before an alarm permit may be issued or renewed.

j. The alarm administrator will issue the following when issuing an alarm permit:

1. An alarm permit issued by the department. The alarm permit will contain the alarm permit number, date of issuance and the date of expiration.
2. A window decal containing the alarm permits number, alarm permit date of issuance and the date of expiration. The decal can be placed at a location chosen by the alarm user and serve as a reminder of the alarm permit's expiration date.

#### **97.03 Alarm permit duration and renewal.**

An alarm permit shall expire twelve (12) months from the date of issuance, and must be renewed annually by submitting an updated application and a permit renewal fee to the alarm administrator.

The alarm administrator will send written notification to a current permit holder (30) thirty days prior to the expiration of their current alarm permit.

It is the responsibility of the alarm user to submit an application prior to the permit expiration date. Failure to renew will be classified as use of a non-permitted alarm system and fines shall be assessed. A ten dollar (\$10.00) late fee may be assessed if the renewal is more than thirty (30) days late.

#### **97.04 Duties of the alarm user.**

A. An alarm user shall:

(1) Maintain the alarm site and the alarm system in a manner that will minimize or eliminate false alarms;

(2) Make every reasonable effort to have a responder arrive at the alarm system's location within thirty (30) minutes when requested by a city emergency service in order to:

- a. Deactivate an alarm system;
- b. Provide access to the alarm site; and/or
- c. Provide alternative security for the alarm site.

(3) Not activate an alarm system for any reason other than an occurrence of an event that the alarm system was intended to report.

B. An alarm user shall adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal audible on the exterior of an alarm site will sound for no longer than ten (10) minutes after being activated.

C. An alarm user shall not use automatic voice dialers.

D. An alarm user shall maintain at each alarm site, a set of written operating instructions for each alarm system.

E. All alarm users shall review with their alarm installation company and/or monitoring company the alarm user false alarm prevention checklist or an equivalent checklist approved by the alarm administrator and acknowledge their understanding of false alarm prevention procedures by signing and dating same. A fully executed copy of the customer false alarm prevention checklist shall be filed with the original application for an alarm permit.

F. It is the responsibility of the alarm permit holder to notify both the alarm monitoring company and the alarm administrator in the event they discontinue service or no longer occupy the permitted alarm site.

**97.05 Duties of alarm installation company and monitoring company.**

A. The alarm installation company shall provide written and oral instructions to each of its alarm users in the proper use and operation of their alarm systems. Such instructions will specifically include all instructions necessary to turn the alarm system on and off and to avoid false alarms.

B. Upon the effective date of this chapter, alarm installation companies shall not install a device to activate a holdup alarm which is a single action, non-recessed button.

C. Ninety (90) days after enactment of this chapter, the alarm installation companies shall, on new installations, use only alarm control panel(s) which meet SIA Control Panel Standard CP-01.

D. An alarm company shall not use automatic voice dialers.

E. A monitoring company shall:

- (1) Report alarm signals by using telephone numbers designated by the alarm administrator;
- (2) Verify every alarm signal, except a duress or holdup alarm activation before requesting a city emergency service response to an alarm system signal;
- (3) Communicate alarm dispatch requests to the city in a manner and form determined by the alarm administrator;
- (4) Communicate cancellations to the city in a manner and form determined by the alarm administrator;
- (5) Ensure that all alarm users of alarm systems equipped with a duress, holdup or panic alarm are given adequate training as to the proper use of the duress, holdup or panic alarm;
- (6) Communicate any available information (north, south, front, back, floor, etc.) about the location on all alarm signals related to the alarm dispatch request;
- (7) Communicate type of alarm activation (silent or audible, interior or perimeter);
- (8) Provide the address of the alarm site;

(9) After an alarm dispatch request, promptly advise the responding city emergency service if the monitoring company knows that the alarm user or the responder has or has not been contacted;

(10) Upon the effective date of this chapter, monitoring companies must maintain for a period of at least one (1) year from the date of the alarm dispatch request, records relating to alarm dispatch requests. Records must include the name, address and telephone number of the alarm user, the alarm system zone(s) activated, the time of alarm dispatch request and evidence of an attempt to verify. The alarm administrator may request copies of such records for individually named alarm users. If the request is made within sixty (60) days of an alarm dispatch request, the monitoring company shall furnish requested records within ten (10) business days of receiving the request. If the records are requested between sixty (60) days to one (1) year after an alarm dispatch request, the monitoring company shall furnish the requested records within thirty (30) days of receiving the request.

F. An alarm installation company and/or monitoring company that purchases alarm system accounts from another person shall notify the alarm administrator of such purchase and provide details as may be reasonably requested by the alarm administrator.

#### **97.06 Duties and authority of the alarm administrator.**

A. The alarm administrator shall:

(1) Designate a manner, form and telephone numbers for the communication of alarm dispatch requests: and

(2) Establish a procedure to accept cancellation of alarm dispatch requests.

B. The alarm administrator shall establish a procedure to record such information on alarm dispatch requests necessary to permit the alarm administrator to maintain records, including, but not limited to, the information listed below:

(1) Identification of the permit number for the alarm site.

(2) Identification of the alarm site.

(3) Date and time alarm dispatch request was received.

(4) Date and time of the city emergency service arrival at the alarm site.

C. The alarm administrator shall establish a procedure for the notification to the alarm user of a fineable false alarm.

D. The alarm administrator may require a conference with an alarm user and the alarm installation company and/or monitoring company responsible for the repair or monitoring of the alarm system to review the circumstances of each false alarm.

E. The alarm administrator may create and implement an alarm user awareness class. The alarm administrator may request the assistance of associations, alarm companies and law enforcement



agencies in developing and implementing the class. The class shall inform alarm users of the problems created by false alarms and teach alarm users how to avoid generating false alarms.

F. The alarm administrator may require an alarm user to remove a holdup alarm that is a single action, non-recessed button, if a false holdup alarm has occurred.

G. If there is reason to believe that an alarm system is not being used or maintained in a manner that ensures proper operation and reduction of false alarm notifications, the alarm administrator may require a conference with a alarm permit holder. If the alarm permit holder fails to attend a conference, after receiving notice, an administrative fee (see fine and fee table) may be imposed against the alarm permit holder.

#### **97.07 Fines.**

A. An alarm user shall be subject to fines, depending on the number of false alarms in the preceding twelve-month period based upon the fee schedule. (see fine and fee table)

B. In addition, any person operating a non-permitted alarm system will be subject to a fine (see fine and fee table) for each false alarm in addition to any other fines. The alarm administrator may waive this additional fine for a non-permitted system if the alarm user submits an application for alarm permit within ten (10) days after notification of such violation.

C. The alarm installation company shall be subject to a fine (see fine and fee table) if the responding city emergency service determines that an on-site employee of the alarm installation company directly caused the false alarm. In this situation, the false alarm will not be counted against the alarm user.

D. The monitoring company shall be subject to a fine (see fine and fee table) for each failure to verify alarm system signals as specified in 97.05(E) (2) above.

E. The alarm installation company shall be subject to a fine (see fine and fee table) if the alarm administrator determines that an alarm installation company employee knowingly made a false statement concerning the inspection of an alarm site or the performance of an alarm system.

D. An alarm user shall be subject to a fine for operating an alarm system during the time the alarm permit is under suspension. (see fines and fee table)

F. Notice of the right of appeal under this chapter will be included with any fines.

#### **97.08 Suspension.**

A. The alarm administrator may suspend any alarm permit upon the occurrence of any of the following conditions:

(1) If the alarm user provides any false information in, or in connection with, an alarm permit application;

(2) If an alarm site has more than twelve (12) false alarms in any twelve-month period; or

(3) If any fines assessed by the alarm administrator become one hundred eighty (180) days or more past due.

B. An alarm user may appeal the suspension of an alarm permit in accordance with the provision for appeals set forth in this chapter.

C. The alarm administrator will notify the alarm user in writing (10) ten business days prior to the effective date an alarm permit has been suspended and the reason for the suspension. The notice of suspension may also include the amount of the fine for each false alarm, if applicable.

#### **97.09 Appeals.**

A. If the alarm administrator assesses a fine or denies the issuance, renewal or reinstatement of an alarm permit, the alarm administrator shall send written notice of the action and a statement of the right to an appeal to either the affected applicant or alarm user and the alarm installation company and/or monitoring company.

B. The alarm user, alarm installation company or monitoring company may appeal an assessment of a fine or the suspension of an alarm permit to the alarm administrator by setting forth in writing the reasons for the appeal within ten (10) business days after receipt of the fine or notice of suspension and by submitting a certified check in the amount of twenty-five dollars (\$25.00) payable to the city to cover the cost of processing the appeal. The payment for the cost of the appeal will not be refunded.

C. The alarm user, alarm installation company or monitoring company may appeal the decision of the alarm administrator by requesting, within ten (10) business days from the date of the decision, that the alarm administrator forward the appeal to the city manager. The alarm administrator will, within five (5) business days of such a request, provide the city manager with notice of the appeal. The city manager shall, within a period of thirty (30) days from receipt of the notice of appeal from the alarm administrator, hear the appeal and the facts as presented by the appellant and the alarm administrator, affording both parties a reasonable and equal amount of time for the presentation of facts, evidence, and the questioning and cross-examination of witnesses. Within ten (10) business days of the hearing, the city manager shall render a final, written decision affirming or reversing the decision of the alarm administrator. Such written decision shall be filed with the city secretary.

D. Filing of a notice of appeal shall stay the action by the alarm administrator suspending an alarm permit or requiring payment of a fine, until the city manager has rendered a decision. If a request for an appeal to the city manager is not made within the required ten (10) business day period, the action of the alarm administrator is final.

E. The alarm administrator may adjust the count of false alarms based on:

- (1) Evidence that a false alarm was caused by an Act of God;
- (2) Evidence that a false alarm was caused by action of the telephone company;
- (3) Evidence that a false alarm was caused by a power outage lasting longer than four (4) hours;

- (4) Evidence that the alarm dispatch request was not a false alarm; and/or
- (5) Evidence that a city emergency service response was not completed in a timely fashion.

F. With respect to fines of an alarm installation company or monitoring company the alarm administrator may take into consideration whether the alarm company or monitoring company has engaged in a consistent pattern of violations.

#### **97.10 Reinstatement.**

A. A person whose alarm permit has been suspended may, at the discretion of the alarm administrator, have the alarm permit reinstated by the alarm administrator if the person:

- (1) Submits a new application and pays a reinstatement fee (see fines and fee table);
- (2) Pays, or otherwise resolves, all outstanding citations and fines; and
- (3) Submits a certification from an alarm installation company, stating that the alarm system has been inspected and repaired (if necessary) by the alarm installation company;

B. In addition, the alarm administrator may require one or more of the following as a condition to reinstatement:

- (1) Proof that an employee of the alarm installation company or monitoring company caused the false alarm;
- (2) A certificate showing that the alarm user has successfully completed the alarm user awareness class as provided under 97.06 above;
- (3) Upgrade the alarm control panel to meet SIA Control Panel Standard CP-01;
- (4) A written statement from an independent inspector that the alarm system has been inspected and is in good working order;
- (5) Confirmation that all motion detectors are "dual technology" type;
- (6) Confirmation that the alarm system requires two independent zones to trigger before transmitting an alarm signal to the monitoring company;
- (7) Confirmation that the alarm system requires two (2) independent detectors to trigger before transmitting an alarm signal to the monitoring company;
- (8) Certification that the monitoring company will not make an alarm dispatch request unless the need for a city emergency service is confirmed by a listen-in device;
- (9) Certification that the monitoring company will not request an alarm dispatch unless the need for a city emergency service response is confirmed by a camera device; or

(10) Certification that the monitoring company will not make an alarm dispatch request unless the need for a city emergency service response is confirmed by a person at the alarm site.

#### **97.11 Confidentiality.**

In the interest of public safety, all information contained in and gathered through the alarm permit applications and applications for appeals shall be held in confidence by all employees or representatives of the city and by any third-party administrator or employees of a third-party administrator with access to such information.

#### **97.12 Governmental immunity.**

An alarm permit is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, for a city emergency response. Any and all liability and consequential damage resulting from the city's failure or inability to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By applying for an alarm permit, the alarm user acknowledges that a city emergency response may be influenced by factors such as: The availability of city emergency service units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history.

#### **97.99 PENALTY**

##### **Penalty/Violations**

A. General. A person commits an offense if he violates by commission or omission any provision of this Chapter of the Code of the City of Mansfield that imposes upon him a duty or responsibility, regardless of the presence or absence of a culpable mental state.

B. Alarm User. A person who is required to have a permit under this Chapter commits an offense if he/she knowingly operates, causes or permits to be operated an alarm system without a current alarm permit issued by the Chief.

C. Revoked Permit. A person who is required to have a permit under this Chapter commits an offense if he knowingly operates, causes or permits to be operated an alarm system during the period in which the alarm permit is suspended.

D. Alarm Systems Company. It is unlawful for An Alarm Systems Company or any owner, operator, manager, agent or employee thereof to allow or permit a violation of any of the duties imposed by Section 97.05 of this Chapter to occur.

E. Penalty. A person who violates a provision of this Chapter is guilty of a separate offense for each violation committed, continued or permitted, and each offense is punishable by a fine of not more than Five Hundred and No/100 Dollars (\$500.00).

##### **Corporations, Partnerships and Associations**

In addition to prohibiting or requiring certain conduct of individuals, it is the intent of this Chapter to hold a corporation, partnership or other association criminally responsible for acts or omissions

performed by an agent acting in behalf of the corporation, partnership or other association, and within the scope of his employment.

## **IMPLEMENTATION OF CHAPTER**

### **Schedule**

- A. Beginning October 01, 2010, this Chapter shall apply to all alarm systems, as defined herein, in the City of Mansfield.
- B. All current residential and commercial alarm permits will expire on September 30, 2010 regardless of issuance date. All alarm users will be required to obtain a new alarm permit on or after October 01, 2010 to comply with the new ordinance.
- C. All alarm permits issued on or after October 01, 2010 will be required to be renewed annually and will be subject to the permit fee as defined herein, in the City of Mansfield.

### **Review**

The Chief of Police shall monitor the enforcement and effect of this Chapter and make a report to the City Manager or his/her designated representative as requested, of its effect in reducing unnecessary alarm notifications.

### **SECTION 2.**

That all Ordinances of the City in conflict with the provisions of this Ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provision of this Ordinance shall remain in full force and effect.

### **SECTION 3.**

Should any paragraph, sentence, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not effect the validity of this Ordinance as a whole or any part of provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not effect the validity of the Mansfield Code of Ordinances as a whole.

### **SECTION 4.**

Any person, firm or corporation violating any of the provisions of this Ordinance or the Mansfield Code of Ordinances, as amended hereby, shall be deemed guilty of a misdemeanor and, upon conviction in the Municipal Court of the City of Mansfield, Texas, shall be punished by a fine not to exceed the sum of five hundred dollars (\$500.00) for each offense, and each and every day any such violation shall continue shall be deemed to constitute a separate offense.

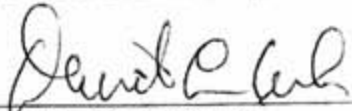
### **SECTION 5.**

This Ordinance shall take effect immediately from and after its passage on third and final reading and the publication of the caption, as the law and charter in such cases provide.

FIRST READING APPROVED ON THE 11TH DAY OF OCTOBER, 2010.

SECOND READING APPROVED ON THE 25TH DAY OF OCTOBER, 2010.

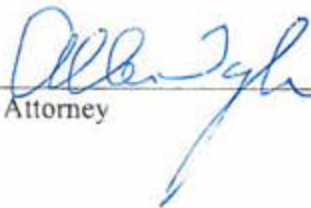
DULY PASSED ON THE THIRD AND FINAL READING BY THE CITY COUNCIL  
OF THE CITY OF MANSFIELD, TEXAS THIS 8TH DAY OF NOVEMBER, 2010.

  
\_\_\_\_\_  
David L. Cook, Mayor

ATTEST:

  
\_\_\_\_\_  
Vicki Collins, City Secretary

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
City Attorney