



Arlington Police Department

Community Watch Manual

Issued by:

The Crime Prevention Unit, Community Services Division
Arlington Police Department
P. O. Box 1065
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From the Office of the Police Chief Arlington Police Department

Dear Resident:

The primary focus of this Community Watch Group Manual is to provide you information that will improve the overall quality of life in your community. The Community Watch Group, through its general education programs, will contribute to the overall reduction of suspicious and criminal activity in your neighborhood. Generally, the cost of criminal activity far outweighs the cost of crime prevention education.

Anything you do to make forced entry into your home more difficult will decrease your chances of being victimized. Many of the recommendations in this manual are inexpensive and easy to implement. You'll find a description of recommended security measures such as door and window locks, along with some suggestions on personal habits to heighten safety awareness.

A Neighborhood Community Watch program reduces the risk for crime and improves the quality of life in your neighborhood. Community Watch is an integral part of *Community Based Policing*--a concept wherein police and citizens address crime and disorder problems together. Crime is a community problem that requires a partnership between residents and police to respond to the issues in our city. We need your help, and look forward to having you as our crime prevention partner.

Sincerely,

A handwritten signature in black ink, appearing to read "Theron L. Bowman, Ph.D.".

Theron L. Bowman, Ph.D.
Police Chief

July 2008



Vision, Values and Goals of the Arlington Police Department

VISION

Achieve a safer community by providing excellent service and involving our community as partners.

VALUES

- + Service
- + Integrity
- + Respect
- + Education
- + Innovation
- + Accountability
- + Teamwork
- + Leadership
- + Diversity

GOALS/STRATEGIES

Actively engage in community policing and expand partnerships to achieve a safer community

Strategies to accomplish this goal include:

- Identify and promote diverse and strategic relationships
- Accomplish community policing through personal interaction

Use innovative methods and technology to communicate effectively, maximize performance, and balance personnel/workload.

Strategies to accomplish this goal include:

- Relentlessly pursue web-based technologies
- Provide mobile field units with real-time access to department information systems
- Establish intelligence-led policing and integrate into current geographic policing model
- Assess the impact of economic development initiatives on the department
- Develop staffing models for all work groups

Provide a rewarding work environment through workforce development, embracing diversity, and imparting our experience and tradition of excellence.

Strategies to accomplish this goal include:

- Develop meaningful recognition practices that highlight good work/results
- Maintain a workforce that mirrors the community and emphasize diversity awareness/accountability
- Develop effective leaders through training, formal/informal mentoring and succession planning
- Identify and document promising practices (knowledge management)

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- Arlington Police Department General Orders excerpt: 302.00 Appendix A
- City Code of the City of Arlington excerpt: Alarm Systems Chapter
- City Code of the City of Arlington excerpt: Uniform Housing Chapter
- City Code of the City of Arlington excerpt: Nuisance Chapter

Chapter 1

Community Watch

Section 1: Introduction

Community Watch is a program sponsored by the Arlington Police Department designed to forge close relationships between citizens and police personnel in an attempt to improve the overall quality of life in our neighborhoods. Citizen involvement in Community Watch is vital to the success of the program because of the knowledge residents have about their unique neighborhoods.

Goals of the Community Watch include:

- Develop strong neighbor relations
- Educating neighbors to be more alert in recognizing suspicious activities and taking the appropriate actions
- Implementing other crime deterrents such as participation in the Operation Identification program and other basic home security measures
- Contribute to the reduction of residential burglaries through active participation in Community Watch

Community Watch has been a successful program in both single and multi-family residential homes. With your help, we will have the same success in your neighborhood.

Section 2: Organizing a Community Watch Meeting

The first stage in building a Community Watch group is deciding the area that will be served by the participants of the program. The person who decides to form a Community Watch group is known as the "Coordinator", and in addition to leading the group, will serve as the liaison to the police department.

Community Watch areas vary in size and are normally residential subdivisions, homeowner's associations, or a clearly identifiable geographic grouping of homes. An area typically involves several streets with several blocks each.

Step 1 – Talk with neighbors and friends

- Ask for their participation in a planning meeting to take the first steps in starting a Community Watch Program
- Explain the need for a Community Watch
- Define the boundaries of the area to be organized
- Begin recruiting (if organizing a large area) Block Captains to assist with the Community Watch area
- Enlist a Co-coordinator, if necessary, to share the responsibilities

Step 2 – Contact the Arlington Police Department Community Services Unit at (817) 459-5725 to coordinate the program

- Ask if a Community Watch group is already active in your area. If not, explain that you would like to start a Community Watch and ask for help from a crime prevention representative.
- Complete and return the “Community Watch Coordinator” application form (Chapter 6, Form 1) to the Community Services office.
- Discuss the size and boundaries of the area considered for your program.

Step 3 – Plan the first meeting

- Schedule through the Community Services office to have an officer attend your initial meeting. Programs are scheduled on a first-come, first-serve basis. Six to eight weeks advance scheduling is appropriate.
- Officers who are normally assigned to your neighborhood will be invited to attend your newly formed Community Watch group.
- In the event of a serious incident, the scheduled officer might be unavailable for the program.
- The Coordinator is responsible for finding a meeting location. The location can be at a school, church, or other facility agreed upon by the Coordinator and the Community Services Division. During the A.I.S.D. school year, the schools can be reserved through the AISD Administration building at no charge.
- Meetings may be held in private residences, however allow adequate room for seating and ask neighbors to bring their own chairs if necessary.
- Design a notice announcing the meeting. Recruit volunteers from the neighborhood to hand deliver an invitation to every home in the area. Using the sample notice (Chapter 6, Form 2), create a personalized invitation. Do not place any flyers or invitations in mailboxes unless the appropriate postage is affixed. *(It is a violation of federal law and rigidly enforced by postal inspectors!)*
- Appoint a refreshment committee and door prize committee (if desired). Obtain a door prize. Many local businesses are willing to assist with this request.
- If you've never conducted a meeting of this type before, an excellent step-by-step guide is available. “The Makings of a Good Meeting,” by Ken Wolf, is available for free download from the Internet at <http://www.wolfandassociates.com/facilitation/manual.htm>.

Step 4 – The first meeting

- The initial meeting is to provide information about Community Watch.
- Have a table set up at the entrance, and provide a sign-in sheet (see Chapter 6, Form 3, for a sample). A Community Watch Coordinator should take the sign-in sheets at the end of the meeting, make copies, and mail the originals to the Community Services office. It is important to obtain members' electronic mailing addresses to facilitate information sharing.
- Introduce yourself as the Community Watch Coordinator. Explain the purpose of the meeting. If you prefer, the Community Services officer can also conduct the meeting for you.
- Explain the need and value of a Community Watch group. Mention that:

- ✓ Community Watch does not require frequent meetings.
- ✓ Community Watch does not require anyone to take any personal risk in preventing crime.
- ✓ Responsibility for apprehending criminals remains with the police; however, deterring crime should be a combined effort between police and the community.
- Define the volunteer Community Watch positions and duties (see **Section 4**, this chapter).
 - Community Watch Coordinator
 - Block Captains
- Introduce police department representative who will present a program. The initial meeting is to explain the necessity of the Community Watch Program and to discuss other services that will help the group succeed. The program will generally last 45 minutes – 1 hour and will cover topics including, but not limited to:
 - An explanation of Community Watch
 - Police department resources
 - Specific crime trends/occurrences within your area
 - Effective crime prevention techniques for your home (including garage burglary prevention)
 - Vehicle burglary prevention
 - Neighborhood safety
 - Suspicious activity and how to report it
 - Crime Prevention Through Environmental Design (CPTED) – a revolutionary concept that utilizes the environment (i.e. trees, shrubs, lighting) to reduce the likelihood of criminal activity.
- Make copies of and hand out the “Know Your Neighborhood” form (Chapter 6, Form 4). Encourage attendees to use this meeting as an opportunity to fill in the forms by introducing themselves to each other.

After A Meeting – What Then?

Organize volunteers who wish to hold a position within one week of the meeting. Confirm that they would be willing to assist with a particular task. A good follow-up by the coordinator will encourage volunteers to participate, and shows organization on the part of the coordinator. A listing of volunteers is important for the success of the Community Watch group.

Encourage neighbors who are the victims of crime to report the offenses to the police as soon as possible. Victims are also encouraged to call their Block Captain and Community Watch Coordinator. Too often neighborhoods get complacent if they are not aware of crime in their neighborhood. It is imperative that each community watch group builds a network of communication within their group to share crime trend information (that can again be obtained via www.arlingtonpd.org). It is also important to disseminate information via electronic mail after they have obtained in the initial meeting. It may also be a good opportunity to add the community police Sergeant to the electronic mail list to keep them informed of incidents. Community Watch neighborhoods may also organize community events such as car pools, or baby-sitting co-ops.

How Often Should An Area Meet?

Community Watch groups should host a meeting at least twice a year with the Community Services officer as the primary speaker. This allows new neighbors to learn the basic crime prevention information and gives established neighbors a refresher on what is happening in the neighborhood. Historically, the most successful community watch groups are those that maintain an effective communication and meet at least quarterly throughout the year (4 times per year).

The Community Services officers may discuss the same topics as in the initial meeting or one/some of the following, depending on how long the area has been active in Community Watch.

- Personal Safety Awareness
- Family Drug Awareness
- Identity Theft
- Stranger Danger for Parents
- Child Abuse-Emotional, Physical, Sexual, Neglect
- Holiday Safety
- Solicitors, Cons and Fraud-How Not To Get Swindled
- Crime Prevention Through Environmental Design

Additional meetings with other speakers are encouraged. The following are possible topics and speakers:

Arlington Fire Department – Fire Safety

Neighborhood Services – code enforcement and how that can enhance the overall quality of life

Ambulatory Services - Cardio-Pulmonary Resuscitation (CPR)

A.I.S.D. Mentor Program

Representatives from Security Products/Alarm Companies

Women's Shelter or Rape Crisis

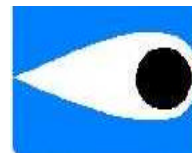
Transportation Department

Parks and Recreation Department

Organizing a Community Watch Checklist	
<input type="checkbox"/>	Step 1: Talk with your neighbors and friends
<input type="checkbox"/>	Step 2: Contact Community Services
<input type="checkbox"/>	Step 3: Plan the first meeting
<input type="checkbox"/>	Step 4: Conduct the first meeting

Section 3: Signs

Posting Community Watch signs after a program has met its requirements helps strengthen the effect of a good organization. It sends a message to the criminal that the neighborhood is alert to suspicious activity. The Community Watch signs are a psychological deterrence to criminal activity. They are most effective with the support of an active Community Watch program.



Community Watch Logo

Signs without enthusiastic participation reduce the effectiveness of the Community Watch Program!

To qualify for sign placement, a neighborhood must have at least 50% of the residents in the specified area in attendance at a Community Watch program or through a series of Community Watch meetings conducted by an Arlington Police Officer (participation can be cumulative over a one-year period). The Community Services officer will work with the coordinator in determining the locations of the signs.

New Sign Requirements

Residences:

- ✓ 50% participation by total number of homes indicated in Community Watch boundaries
- ✓ One meeting a year, which can include a National Night Out (NNO) party
 - National Night Out sends a message to criminals that their actions will not be tolerated and provides a greater relationship between citizens and the police. During this event, you are asked to leave your porch light on outside of your home to show your support for this program. You are invited to unite with your neighbors outside of your home during the hours of 7 to 10 p.m. while you enjoy any refreshments and dinner you may have prepared. Police officers, fire personnel, and other emergency personnel can visit your gathering. The fire department must be contacted separately at (817) 459-5500. There is no cost to register your community. The police department needs the support of the community to combat and prevent crime. It also gives neighbors a chance to meet each other and the police officers that serve them.

To set up a block party, call the Community Services Division at (817) 459-5725. We will officially register you and you will receive guidance on how to organize your community for the day/evening of NNO.

When assessing your eligibility...

Time limit to reach 50% participation is cumulative over a one-year period.

Count participants by address, not by individuals.

Typically, signs are placed to benefit the most residents at strategic locations in the neighborhood. Main entrances to the area are excellent places to warn potential burglars and thieves of an active Community Watch neighborhood.

The Community Watch signs will be supplied and installed by the City of Arlington Transportation Department at no expense to the Community Watch group. The signs remain the property of the City of Arlington. Contact the Community Services at (817) 459-5725 to obtain and receive help with placing signs.

REMEMBER that pro-active citizens keep criminals out of a neighborhood, not Community Watch signs!

Section 4: Duties and Responsibilities of Key Positions

A Community Watch group cannot work without citizen volunteers in key positions. These are:

★ Coordinator

- Hold an organizational meeting with other concerned citizens to establish goals and develop a network of volunteers.
- Use a map of the area to define boundaries and identify areas with active volunteers. (The Crime Prevention officer can assist the coordinator in obtaining a map of the Community Watch area).
- Coordinate the date(s) for program(s) with the Community Services office.
- Design, print, and distribute flyers announcing the meeting. Attend the Community Watch meeting or send a representative to greet neighbors and ask them to sign-in at the meeting.
- Attend or have a representative of the Community Watch area attend in the event of a Community Watch Coordinator's meetings.
- Submit a request for Community Watch signs to the Community Services Unit at (817) 459-5725 after the area is properly organized (see **Section 2**, earlier in this Chapter).
- Meet with Block Captains at least once every three months or as needed to:
 - Review the group's progress;
 - Provide crime statistics for the area and pass on information provided by the police department;
 - Establish good communication among all participants; and
 - Conduct general business.
- Plan at least one community meeting each year to meet with new residents and discuss new topics.
- Encourage and assist new areas to establish a Community Watch. Consider publishing a newsletter or sharing information via electronic mail.
- Recruit Block Captains when openings exist.
- Keep a list of Block Captains with addresses and telephone numbers.
- Assist in training participants and participate in block meetings upon request.
- Maintain good communication among all participants.
- Participate in periodic meetings with Block Captains and Coordinator.

★ Block Captain

- Prepare and maintain a block map with names, addresses, and phone numbers (home and office).

- Distribute copies of map to all block residents. Meet with neighbors and get their help to organize the block.
- Pass out meeting flyers (or locate someone to do so).
- Immediately relay information on criminal activity in the area to neighbors and coordinators.
- Meet with neighbors once every three months or as needed to:
 - Maintain the flow of information
 - Promote neighborhood cooperation and friendliness
- Participate in periodic meetings with Community Watch Coordinator.
- Serve as contact between neighbors.

Section 5: Participants' Guidelines

One of the best ways to promote crime prevention is by participating in Community Watch. When people become aware of what's going on in the neighborhood, everyone will benefit.

Participation in a Community Watch Program does not require a lot of time. Through the program, neighbors will get to know each other and will become more aware of strange cars, persons or circumstances that might be a danger and require calling the police.

The security of a home and the level of attentiveness of each resident is entirely up to them. The following guidelines have been successful in reducing the potential for crime:

- Get to know your neighbors by name and be able to identify them and their vehicles.
- Maintain a map of the immediate neighborhood with names and addresses.
- Make the home as burglar-resistant as possible, using techniques discussed by the crime prevention officer.
- Mark all property for identification by using the "Operation Identification" program.
- Be observant of neighbors' homes, especially when they are vacant or the owners are out of town.
- Write down license plate numbers and descriptions of suspicious-looking persons and vehicles in the neighborhood, and report them to 9-1-1. It is also a good idea to notify your Community Watch Coordinator of the activity after the police have been notified.
- Educate children in crime prevention and teach them to respect the law and police officers.

Reporting Suspicious Activity

Anything that seems slightly "out of place" or is occurring at an unusual time of day could be criminal activity.

Call the police immediately – Dial 9-1-1

Report all suspicious activity. Do not worry about bothering 9-1-1 or about being embarrassed if your suspicions prove to be unfounded. Think instead about what could happen if you don't act. 9-1-1 has the capability of taking all

types of calls, from emergency calls such as a severe accident or report-type calls such as suspicious persons or assaults.

Do not attempt to apprehend a person committing a crime or to investigate suspicious activity.

Not every stranger in your neighborhood is a criminal. There are many door-to-door salesmen, repairmen, and servicemen. But, criminals take advantage of this by pretending to be legitimate workers.

Section 6: Citizens on Patrol (COP) Program

The Citizens on Patrol (COP) program is designed to be the next step in Community Watch. A successful Community Watch group may decide to get out of their homes and into their cars to patrol their neighborhoods and serve as the Arlington Police Department's frontline of defense. COP members are the "eyes and ears" of the police department, reporting suspicious activity and deterring any future crime.

COP participants patrol their neighborhoods and report suspicious activity through the use of cellular telephones. COP patrollers will interact directly with 9-1-1 operators and wait for officers to arrive at the location. COP members will not have to place themselves in dangerous situations and are trained to identify potentially harmful situations and learn how to stay safe.

Citizens on Patrol is considered an advanced observation program, not focusing on intervention or confrontation. Participants will not need to carry weapons, and are prohibited from doing so. Citizens On Patrol members can also be called to assist with events such as: tornado or other severe weather, missing person searches, or community programs hosted by the police department.

Citizens that wish to start a COP group must already have an active Community Watch group. The members will then complete one 6 hour COP Orientation session. This will provide for basic certification into the Citizens On Patrol program. Members must then complete 4 hours of in-service training each year. In-service trainings are made available to COP members in 4-hour increments. For training times, or to enroll your Community Watch group in COP, please call the Crime Prevention Unit at (817) 459-5725.

Section 7: Important Crime Prevention Dates

NATIONAL NIGHT OUT (1st Tuesday in October)

This is a nationwide program sponsored by the National Association of Town Watch. The National Night Out event was started in 1983 to focus attention on Community Watch and other anti-crime programs, and to strengthen police-community relations.

The first Tuesday of October is National Night Out. Citizens nationwide are encouraged to turn on their porch lights and sit outside from 7 p.m. to 10 p.m. to meet with their neighbors in a show of unity against crime. Residents host block parties to foster a sense of community and to interact with each other in a fun neighborly way.

The City of Arlington uses National Night Out to encourage new Community Watch organizations and revitalize existing areas. To enroll your area in National Night Out free of charge, contact the Community Services office at (817) 459-5725 or visit www.arlingtonpd.org for more details.

COMMUNITIES AGAINST CRIME 5k RUN AND WALK

Arlington has participated in National Night Out since 1989, when officers ran with a torch from Tarrant County to Dallas County. All proceeds benefited the Community Partners of Tarrant County, formerly known as Child Protective Services, Kash for Kids Program. Since then, we have changed the event to a 5K Run and 1 Mile walk to benefit the children of Tarrant County who are served by Child Protective Services. All proceeds continue to go to the Community Partners of Tarrant County program, which helps children in foster homes who have been abused and neglected. The money helps families cover expenses not paid by the state.

NATIONAL CRIME PREVENTION MONTH (October)

October is national Crime Prevention month. Community Watch groups have often lost the momentum gained from National Night Out as neighbors get involved in school activities in the fall months. October is a great time to plan another block party, coordinate a neighborhood Halloween carnival, or send out a Community Watch newsletter with crime prevention tips and neighborhood information.

With the holidays coming quickly after Halloween, many residents get caught up in holiday related activities and let their crime prevention guard down. As a result, they become the victims of crime. Take time in October to keep the neighbors involved.

The Community Services office sometimes hosts a safety fair during October to help families with information about personal safety, vehicle burglary, traveling safety, Help End Auto Theft (HEAT) registration, and much more.

Chapter 2

Citizens and Police: Working Together

Section 1: Suspicious Activity

Some of the items listed below appear more than once, since the same behavior can hint at different criminal activities.

Circumstances	SUSPICIOUS ACTIVITY -- PERSONS	Possible Crime
Going door to door in a residential area, especially if one or more persons go to the rear of the residence.		Burglary suspects or trespassers.
Waiting or loitering in front of a house or business, if business is closed or house is unoccupied.		Burglary suspects.
Forcing entrance, or entering your neighbor's house, when it is unoccupied.		Burglary, theft or trespassing.
Person running, especially if something of value is being carried.		Suspect fleeing the scene of a crime.
Person carrying property that is not wrapped, at an unusual hour.		Suspect fleeing the scene of a burglary or robbery.
Excessive foot traffic to and from a certain residence occurring on a daily or regular basis.		Vice, drug, or fence operation.
Person screaming.		Rape, assault or domestic violence.
Person loitering around cars or going car to car peering into them, especially in parking lots or on streets.		Car thief or car burglar.
Persons loitering around schools, parks, or secluded areas.		Sex offenders.
Persons offering items for sale at a very low price.		Trying to sell stolen property.
Strangers loitering or driving through a neighborhood several times.		Burglary suspects.
"Delivery Man" with a wrong address or one who asks if someone else lives there.		Burglary suspects.
Unusual noises such as gunshots, screaming, or dogs barking continuously.		Burglary, assault, rape, domestic violence, etc .
A person exhibiting unusual mental or physical symptoms.		May be injured, under influence of drugs, or needs medical attention.

Circumstances	SUSPICIOUS ACTIVITY -- VEHICLES	Possible Crime
Slow moving vehicle, without lights, or driving appears aimless; in any location including residential streets, schools, and playgrounds.		Burglar, drug pusher, or sex offender.
Parked or occupied vehicle with one or more persons, especially if observed at an unusual hour.		Lookouts for a burglary or robbery.
Vehicle being loaded with valuables if parked by a business or unoccupied residence.		Burglary or theft in progress.
Abandoned vehicle parked on block.		Stolen car.
Vehicle containing weapons.		Robbery suspect or vehicle; selling stolen items or drugs.
Someone being forced into a vehicle, especially females or juveniles.		Kidnapping, assault, or attempted rape.
Vehicle where a business transaction is being conducted, around school or parks.		Selling stolen items or drugs.
Person attempting to forcibly enter a locked vehicle, especially in a parking lot.		Theft of a car or its contents.
Persons removing mechanical parts or accessories from a vehicle.		Theft or vandalism.
Objects thrown from a vehicle.		Disposal of contraband.
Circumstances	SUSPICIOUS ACTIVITY -- PROPERTY	Possible Crime
Going door to door in a residential area, especially if one or more persons go to the rear of the residence.		Burglary suspects or trespassers.
Waiting or loitering in front of a house or business, if closed or unoccupied.		Burglary suspects.
Property in homes, garages, or storage areas if collection is large, or items are in good but unused condition.		Stolen property.
Property offered for sale at very low price.		Stolen property.
Property in vehicles not normally found, especially if observed at an unusual hour, such as TV sets, stereos, guns, or auto parts.		Stolen property.
Property carried by person on foot; especially at unusual hour or place. Very suspicious if running with unwrapped property.		Property lost or stolen in a burglary or robbery.
Property being removed from or loaded into a vehicle or building at unusual hours.		Burglary or theft in progress.
Continuous repair operations at a non-business location.		Stolen property being altered.
Open or broken doors and windows at a closed business or unoccupied residence.		Burglary in progress, completed burglary, or vandalism.
Sound of breaking glass.		Burglary or vandalism.

Section 2: Making a Report to the Police Department

9-1-1 is for emergency police, fire, and medical response. **9-1-1** is also the correct number for non-emergency calls requiring police response. The number to call when reporting activity or an emergency is 9-1-1. (Keep the number near your phone.)

Give the 9-1-1 operator:

- The nature of your call: Emergency or Non-emergency.
- Your name and address.
- The reason for your call.
- The location of the activity.
- The description of the suspect and any vehicle involved.

If reporting something of a criminal nature, please include as many of the following details as possible:

Suspect Description			Vehicle Description	
Sex	Race	Age	License Plate # and State	
Height	Weight		Make	Model
Hair	Eyes		Year	Type
Mustache	Beard		Color	
Glasses	Complexion		Body Damage	
Jacket	Shirt		Other Features	
Pants	Hat			

Write down as many details as possible. The 9-1-1 operator may not ask for all of the above information during your initial call. Keep the information for the arriving officer. Do not hang up until instructed to by the 9-1-1 operator.

If you are placed on hold or if you get a recorded message stating that all operators are busy...**DO NOT HANG UP. THE NEXT AVAILABLE OPERATOR WILL TAKE YOUR CALL.**

Remember to stay calm and speak clearly. It may seem as though the 9-1-1 operator is asking lots of questions and not sending assistance quickly enough; however, officers may already be on their way while the 9-1-1 operator continues to gather information from the caller and passes it along to responding personnel.

Section 3: Call Priorities

The Arlington Police Department evaluates and prioritizes all 9-1-1 calls for police service.

Emergency calls are those where circumstances require an immediate police response, including: an immediate threat to life; violent criminal act in progress; suspect pursuing citizen; or immediate critical danger. Emergency calls are dispatched without delay, and officers drive to the scene using emergency lights and siren.

Priority One calls require an immediate response, but do not involve life-threatening situations. Priority One calls are given immediate attention, but officers follow traffic regulations while driving to the scene.

Priority Two calls are investigatory (i.e., criminal episode has already occurred) and require a reasonable police response time. Priority Two calls may be held for up to 15 minutes before the beat officer is dispatched. If the beat officer remains unavailable, the call is answered by the nearest available officer. Again, officers follow traffic regulations while driving to the call.

Priority Three calls are those considered routine and answerable on an “as available” basis by the beat or sector officer. Priority Three calls may be held up to an hour before being dispatched to the beat officer. If the beat officer is still unavailable, the nearest available officer is dispatched, again driving according to standard traffic regulations.

The Arlington Police Department works along with the city's Communications Services Department (which manages the 9-1-1 system and its employees) to develop and constantly refine the call priority system. A detailed description of how the system works, and specific examples of calls for service and their priorities, are found in the Police Department's General Orders manual. (An excerpt is included at the end of this manual in Chapter 7, **Reference Materials**, titled “Call Dispatch Classifications and Methods”.)

Section 4: What is Teleserve?

When citizens call 9-1-1 to report non-emergency property crimes, the 9-1-1 operator will ask if the citizen would like to make the report over the telephone (Teleserve) or meet with an officer. Using Teleserve whenever possible increases officers' available patrol time to initiate investigative leads.

If the citizen wants to make the report through the Teleserve system, the 9-1-1 operator will take their name, telephone number, and type of offense information, and a Teleserve operator will call the citizen (generally within two hours) to take the report.

Section 5: Want to Know More? The Citizen Police Academy

The **Citizen Police Academy** is an outreach effort by the Arlington Police Department intended to develop citizens' awareness of, and understanding of, the role of law enforcement in the community. The Citizen Police Academy is designed for citizens of all backgrounds and occupations. The Academy is offered as a public service, and is free of charge.

The 33-hour training program includes classroom and “hands on” instruction. Topics include, but are not limited to, officer selection and training, the job of the uniformed patrol officer, investigation skills, tactical operations, K-9 (canine) unit, vice and narcotics investigations, crime scene search techniques, and crime prevention.

Graduates are not police officers; however, they are better informed about how their police department works and what types of services are available. Graduates are eligible to join the **Arlington Citizen Police Academy Alumni Association**, which continues to assist the police department in fund-raising, and scenario training.

Participants must complete at least 9 of 11 classes to graduate. Classes are generally held one night a week for three hours.

The Citizen Police Academy is usually held twice a year, with one class during the spring and the second class during the fall. A Hispanic Citizens Police Academy is held twice a year, generally during the same times as the English-speaking CPA. All Hispanic CPA classes are either taught or translated into Spanish for citizens who prefer Spanish as their primary language. For more information regarding the Citizen Police Academies, contact the Community Services office at (817) 459-5725.

Complete an application and waiver (see Chapter 6, Form 5) and return it to the Community Services Office.

Chapter 3

Residential Security

Section 1: Residential Security: the Three Lines of Defense

Too many residential burglaries occur through unlocked or poorly secured doors and windows. There is no way to make any home completely safe from forced entry, but there are simple, inexpensive ways to slow down or altogether discourage criminals.

Residential security will be covered using the THREE LINES OF DEFENSE, which include the (1) Perimeter, (2) Exterior, and (3) Interior of your home .

☉ FIRST LINE OF DEFENSE: THE PERIMETER

FENCES. Chain link or wrought iron are the ideal materials since they clearly define boundaries, yet allow visibility. Wooden fences, often called “privacy fences”, offer privacy to the resident, however, they provide concealment for the burglar. Caution: doors and windows within a security fence must also be secure. Keep all gates locked with padlocks. Forcing a burglar to climb your fence will increase the likelihood that someone will see this suspicious behavior.

PADLOCKS. See **Second Line of Defense: The Exterior.**

LIGHTING. Lighting is one of the most cost-effective methods to increase the security of your home. Efficiency is a major consideration, since lighting that is too costly to operate will not be used. Locate outside lighting where it will be difficult to tamper with, such as the roofline of the building. Eliminate any shadow areas around the home to help eliminate it as a hazard. Lighting should be placed to illuminate the perimeter of the building. Motion sensor lighting that comes on when movement is detected minimizes electricity costs and maximizes the lighting source when needed. Motion sensor lighting is an excellent security choice for driveways. The light comes on when you pull into your driveway, allowing you to review the area before getting out of your car. The lighting also deters criminals wanting to burglarize vehicles parked in the driveway.

Photoelectric cells or auto-timers on porch lights give a lived-in look even if no one is at home. Lights should be used all night. A well-lit neighborhood is a difficult place for nighttime criminals to operate. For more ideas, see the Lighting Chart (Form 6) in Chapter 6.

LANDSCAPING can increase property values, mark property boundaries, and work as a security measure. Never block the view of your doors and windows with shrubbery and trees: keep both trimmed away from openings, because an intruder may hide behind plants or shrubs. Corner lots are often a shortcut for children walking or riding their bicycles. Planting a row of bushes or climbing roses on a split rail fence in the "path" often stops children from cutting through a corner yard. Lastly, shrubs should be maintained to less than 36 inches from the ground level.

Windows that are vulnerable can benefit from "armed" plants such as cactus, pyrantha, and barberry. Armed plants can also be used along fences to discourage climbing.

© SECOND LINE OF DEFENSE: THE EXTERIOR

DOORS. Exterior doors should be of solid core construction, at least 1 3/8 inches thick (a thinner door may give at the lock if kicked). Check wood panel doors to make sure joints have not come unglued and panels are not split or rotten. Hollow core doors are **not** secure!

Install a viewing hole (peephole) of 190 degrees or greater in exterior doors and in doors leading to the garage from the house.

Safety chains do not provide protection and should not be used as a security device. The hardware for a safety chain is not well secured into the wall and can pull loose. Safety chains are effective to prevent small children from leaving the house undetected, but provide little or no security against a would-be intruder.

LOCKS. Do not use spring bolt (key-in-knob) locks for exterior security. Key-in-knob locks are for interior doors and offer little resistance to a burglar's attack. Secure exterior doors with a single cylinder dead bolt lock. (Figure 1)

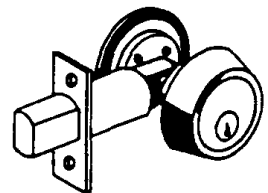


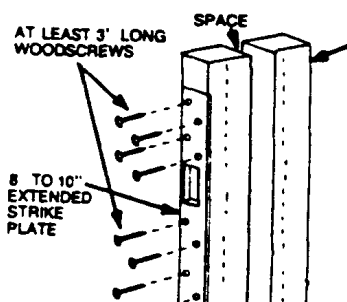
Figure 1

Double cylinder dead bolt locks are prohibited by the Uniform Fire Code. It is a violation of City Ordinance to have double-cylinder deadbolt locks in a residence.

A high-security cylinder deadbolt lock meets the following minimum qualifications:

- The interior portion of the lock can be operated with a thumb turn.
- The outer collar of the lock is free turning or tapered to resist attack by a pipe wrench or other tool.
- The two halves of the lock are held together with case hardened steel screws that pass through a hardened steel plate.
- The bolt (or throw) is one inch long.

EXTERIOR, continued



STRIKE PLATES. A majority of forced entry burglaries involve a door being kicked in. Install a reinforced strike plate and you reduce the potential for the door being kicked in. A reinforced strike is a metal plate 8 to 10" long that is attached to the door jamb with 3" to 4" wood screws that penetrate the door jamb support studs (Figure 2). Other high security reinforced strike plates are available. Check your local hardware store.

Figure 2

DOUBLE DOORS. Secure the active portion of the door with a single cylinder and a reinforced strike. Secure the inactive door to reduce its potential of being the entry by installing flush mounted bolts at the top and bottom of the door (bolts at least that pass through metal strike plates). 3" to 4" inch wood screws to secure the metal plates are ideal (Figure 3).

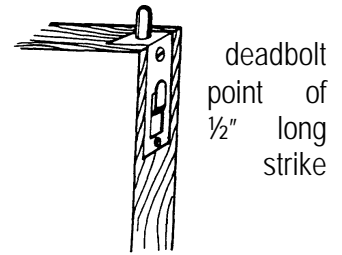


Figure 3

HINGE PROTECTION. To prevent a door from breaking free at the hinges when kicked, replace the screws used to hold the hinges to the door jamb with 3/4" wood screws. The long screws will penetrate the studs located behind the soft wood door jamb.

To protect the door from being lifted from its hinges (Figure 4):

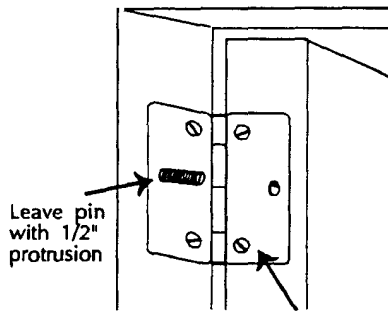


Figure 4

- a) Remove two screws, opposite each other, from both leaves of the hinges.
- b) Insert a screw or concrete nail into jamb leaf protruding 1/2".
- c) Drill out the opposite screw hole in the door. Do this to the top and bottom hinges. When closed, if the pins are removed, the door will remain firmly in place.

EXTERIOR, continued

SLIDING DOORS. The manufacturer-installed latch is designed for privacy, not security. Keep doors from being slid or pried up and out of the track (Figure 5) by:

Drilling a downward-sloping hole at a point where the door frame and door overlap (for fire safety reasons, pin no higher than 18" from the floor), and insert a pin to prevent lifting and sliding. (a)

Installing a commercially made slide bolt that secures the door to the frame. This is similar to pinning, but the device is typically attached to the back of the moving portion of the door. (b)

Wooden sticks and "Charlie bars" may be placed in the door track to prevent sliding (c), but extra steps must be taken to prevent lifting the door. Flat head screws installed in the upper track of the door will prevent lifting. Install the screws with adequate clearance to allow the top of the door to pass by the screws. (d)

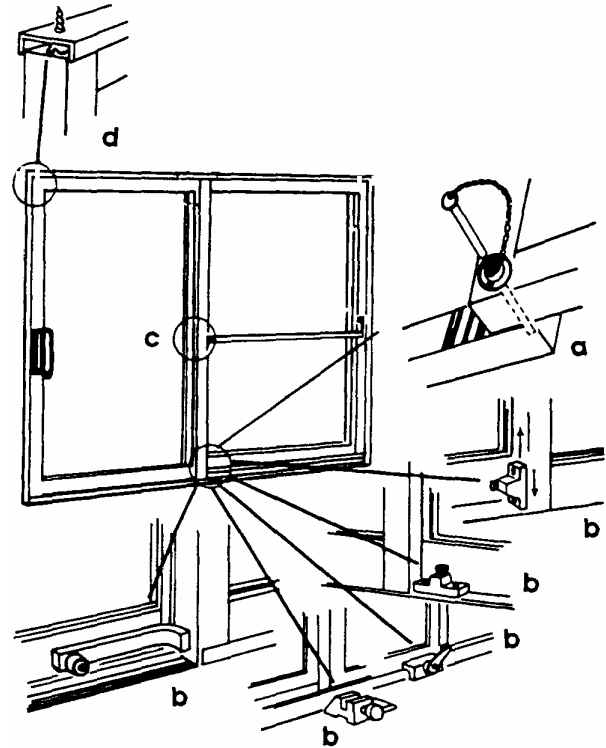


Figure 5

WINDOWS. Present a great security problem. Entries are made by breaking the glass, removing the glass, and forcing the windows. Ground floor windows are most vulnerable to attack, but windows can also be reached from the roof. One (expensive) way to protect windows is by using transparent polycarbonate materials, which look like glass but are very difficult to break.

Another way to protect windows is to install burglar bars with interior quick-release devices, or install storm windows that not only offer burglar protection but also conserve energy. Windows can also be equipped with auxiliary locking devices that make the windows less vulnerable but that do not limit access in case of fire.

WARNING: Bedroom windows on the ground and second floors must be left accessible as fire exits. The bedroom window can be the quickest and safest means of escape if a fire occurs at night.

SLIDING WINDOWS. Sliding windows can be lifted out of their tracks similar to sliding glass doors. Locking devices for sliding doors can be used to secure sliding windows. (See Figure 5)

SINGLE-HUNG WINDOWS. This is the most common type of window found in homes. Single-hung windows have a single section that slides up and down. A simple, inexpensive security measure is to use an auxiliary locking device (thumbscrew, see Figure 7). Additional security can be obtained from the thumbscrew by drilling a small hole in the window frame through which the screw can pass.

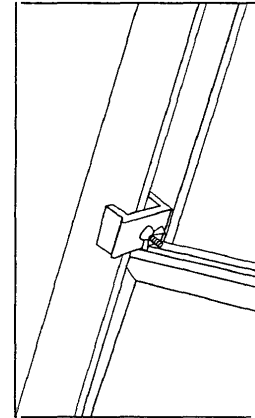


Figure 7

CASEMENT WINDOWS. Make sure the latch works properly and that the control arm has no excess play. Replace worn hardware. (Figure 8)

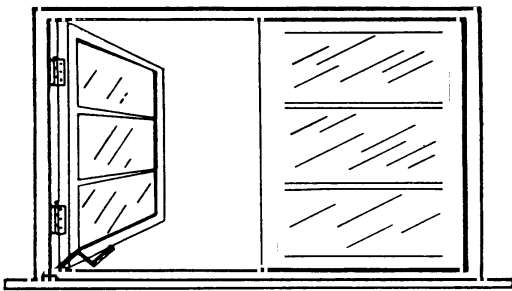


Figure 8

DOUBLE-HUNG WINDOWS. Double hung windows slide up and down, but unlike single hung windows, both the top portion and the bottom portion can be moved. Their crescent latches can be pried open. Secure the window by drilling a downward sloping hole into the bottom of the top window and insert a pin or loosely fitting nail. (Figure 9) **Note:** Prior to drilling into the frame, locate the glass edge to avoid hitting and breaking it when drilling the frame.

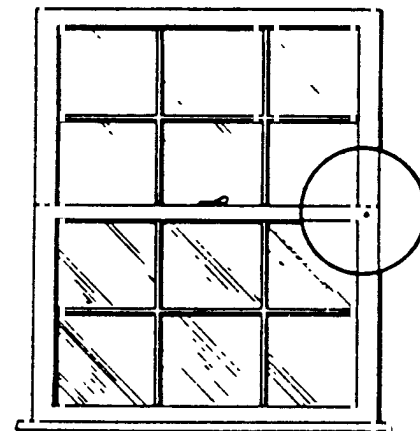


Figure 9

EXTERIOR, continued

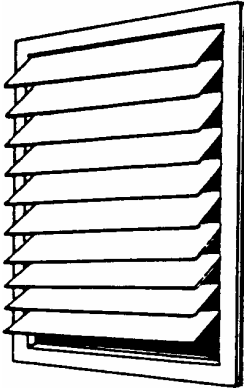


Figure 11

LOUVER OR JAILOUSIE WINDOWS. These windows are very difficult to secure. Ideally, they should be removed and replaced with solid glass or another type of ventilating window. Glue the individual panes of glass into the frame to prevent easy removal. The windows can also be covered with a grate or grill (Figure 11) (except bathrooms). **NOTE:** Do not leave the house with windows in an open position. This is an invitation to pry them open.

GARAGE DOORS. Always keep garage doors closed and locked. Many residential burglaries occur through open garage doors. If the garage is out of your sight, close and secure it.

Intruders seeking entrance through the garage may burglarize the garage or use tools stored there to break into your home. Keep tools locked up. Doors that lead into the house from the garage must be secured as exterior doors. (See Exterior Doors, above.)

On swing-up style garage doors, the single hook placed on one side of the door is not enough to keep intruders from prying up the opposite side and crawling in.

Secure a swing-up garage door by:

Adding another bolt and padlock to the opposite side.

Installing a pair of cane bolts (Figure 12) to the inside. (These operate only from the inside.)

Add a top center hasp. (Figure 13) Any person of average height can operate this device.

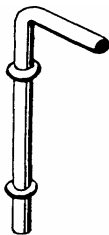


Figure 12

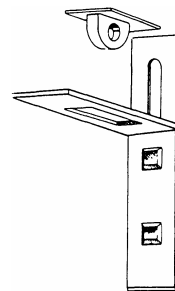


Figure 13

EXTERIOR, continued

Secure roll-up overhead garage doors by:

Blocking the track with a nut and bolt or padlock placed ½ inch above the roller. (These apply to the inside of the door only.)

Installing an electric garage door opener. (However, electric doors can be triggered open by random radio transmissions.)

Never leave your garage door open even a few inches since it gives an intruder an advantage in defeating the door. Keep the door that leads from the house to the garage secure.

Cover or tint garage windows, so burglars cannot see vehicles parked inside.

If your garage access is through a rear alley, display your house number on your garage door or backyard fence. This will help police and other emergency personnel locate your house quickly.

Secure attic openings in attached carports or garages by installing a case-hardened hasp and padlock.

PADLOCKS. Do not economize on a padlock. The following standards are minimum recommendations for an exterior padlock:

Hardened steel, 3/8" shackle. (Naturally, heavier shackles offer additional security.)

Double locking mechanism, heel and toe.

Five pin tumbler.

A key-retaining feature, whenever possible. (Prevents removing the key until the padlock is locked.)

**Your local hardware store can help you find the lock with the above features.

For only slightly more expense, a re-key able padlock can be purchased and keyed to your house key. This minimizes the number of keys required at your residence, and eliminates the problem of remembering the combination on a combination padlock.

NOTE: Never leave your padlocks unlocked. This is an invitation to remove it so that a key can be made, and the lock returned to its position. The burglar returns when no one is home and enters at leisure, using the key.

Record and then remove the "key code numbers" from all padlocks. This number, normally located on the bottom of padlocks, enables a burglar to obtain a key to your padlock.

For added protection against attacks by bolt cutters, use a "protected shackle discus" padlock.

HASPS. Used with a padlock to secure a storage shed, garage door, or fence gate.

Use a hasp made of hardened steel and install it with carriage bolts through the door or gate. Use large washers on the inside. After the nuts are secured, deface the threads of the bolt ends with a hammer to keep the nuts from

being removed. High security hasps are designed to cover the bolts that attach the hasp to the building, gate, or other item when the hasp is in the closed position.

© THIRD LINE OF DEFENSE: THE INTERIOR

OCCUPIED LOOK. Giving your residence an occupied look when you are away can also deter burglary.

Leaving the radio playing, especially on a talk station, will create doubt in the mind of a criminal that makes entry. Many burglars fear confrontation and will leave if they believe someone is in the house. Use an answering machine to screen calls, and never say in your recorded message that you are not at home. Also avoid giving any information on your message such as your name, telephone number, or address.

Have interior lights on different timers that go on and off throughout the evening to give the appearance of someone moving through the house.

When you're away, have neighbors pick up newspapers, open and close curtains, and place a bag of trash in front of your house on trash day.

Contact the Arlington Police Department at (817)459-5700 to request a vacation check for your home. Please leave alarm codes and a key with neighbors. If you arrive home earlier than anticipated, please call and cancel your vacation check as soon as possible (any time, day or night).

OTHER INTERIOR CONTROLS.

Alarms (See Section 2, below)

Security Closet. If you have valuable items such as silverware, guns, jewelry, and cameras consider creating a secure area to store these items. Install a one-inch deadbolt on a solid core door to a closet that has no other openings. (Be sure to pin the hinges and reinforce the strike plate area.)

NOTE: There has been a concern over storing all valuable items in one area due to the high loss potential if entry is made. An alternative to the security closet is spreading valuables throughout the house in different, "creative" hiding places.

Safe Deposit Box Valuables like coin and stamp collections, heirloom jewelry, and other irreplaceable items should be stored in a safe deposit box at the bank.

Floor Safes. Burglary-rated safes can be recessed into a home's concrete foundation (installation into pier-and-beam foundations is also possible). They come in a variety of sizes and shapes. Once installed, carpet is laid back over the safe, making it difficult to locate without prior knowledge. Safes may be useful for daily access to small items.

Fire-rated safes that can be purchased at hardware stores and discount stores offer no resistance to burglary. Store in them only items that would be of limited value to a burglar.

Section 2: Alarms

The purpose of a residential alarm is to deter and detect unauthorized entry. An alarm is not designed to keep someone out, but to signal that someone has entered. An alarm is a secondary part of an overall security plan. Good hardware and good personal safety habits are the foundations of your security plan.

All alarm systems have three main parts:

- Sensors to detect the intruder.
- Control unit to turn the alarm sensors on and off, interpret the signals from the sensors, and route a signal to the annunciator in the event of a break in security.
- Annunciator (siren, telephone signal, or radio signal) that notifies someone that the alarm system sensors have detected a break in security.

Alarm sensors are broken down into two types:

- Perimeter sensors, including magnetic contacts, glass break sensors, alarmed window screens, and mercury switches to protect the outside entrances to a building.
- Interior sensors, including infrared (motion), ultrasonic, under-carpet pressure pads, magnetic contacts, and photoelectric beams to detect unauthorized interior entry.

Alarm systems are installed in one of three ways:

- Hard-wired systems run a wire to each sensor from the control unit (similar to electrical and telephone wiring). All system operation occurs through a digital keypad or other stationary control center.
- Wireless systems operate by battery power that sends a radio signal to the control unit. These alarm systems can be activated with a remote control unit similar to a television remote control, or through any touch-tone telephone. Wireless systems have become excellent alternatives to hard-wired systems, offering greater flexibility in installation and the convenience of the hand-held keypad. The wireless system requires minimal maintenance when batteries need replacement. Most wireless systems use batteries with a ten-year life. Most higher-quality wireless systems monitor their own functions, such as reporting low batteries and maintenance problems.
- A combination of hardwire and wireless system allows the use of existing hardwires if the home is pre-wired, but also has the flexibility of the wireless system. This type of system readily adapts to upgrades and changes.

Shopping For a System. When shopping for an alarm system, get referrals from friends and co-workers. Do your homework, and call the Community Services office if you have questions. Be familiar with the terminology so you can ask informative questions. Look for:

- ✓ A battery failsafe back-up;
- ✓ Smoke sensing capability;
- ✓ Read-out ability to check that the system is functioning;
- ✓ A horn installed in the attic; and

- ✓ The alarm sounds at the residence. If the alarm is monitored, your system will transmit a signal to the alarm company, who will contact police.

Finances may determine whether you lease or purchase a system. Length of contract, or the decision to not have the system monitored at a central station, will be determined by your work schedules and demographics of your neighborhood.

Get a minimum of three estimates, check warranty and repair costs, and contact the Better Business Bureau for company information.

Contact the Arlington Police Community Services Division to schedule a visit with a Crime Prevention officer who can assess your home's security needs.

Don't depend only upon an alarm to protect you. Be sure to use the proper lock devices. An alarm does not physically keep a burglar out of your home or business.

Alarm Permit. The City of Arlington regulates alarm systems by City Ordinance to decrease the number of residential false alarm calls. Minimizing false alarms maximizes police availability and reduces their response time.

An alarm owner must complete a permit application, available at the Arlington Police Department, 620 W. Division Street. The application must be completed and returned to the Alarm Office with a check for \$50 to cover the permit fee.

In addition to basic information, the applicant must list three persons and their telephone numbers whom police may contact in case of emergency. Alarms which only alert the users on their premises and which are not audible from outside the location do not require a permit, nor are alarm systems on vehicles required to have a permit.

The permit is valid for one year. Alarm owners are allowed three false alarms per 12-month period. The permit is kept at the alarm site. It must be shown to any police or code enforcement officer who requests to see it. The permit holder must submit a renewal request before the current permit expires. The Alarm Office will send a renewal notice to the alarm owner one month prior to the permit's expiration date.

Private security companies with officers that answer alarm calls are not required to notify police. If the Police Department does not respond, the alarm call, whether false or not, will not be charged to the owner of the alarm systems. If requested by the Police Department, private security companies must provide local or toll-free callback telephone numbers, and contact someone at the alarm site.

If your alarm is monitored and you have a false alarm, state law pre-empts cities from assessing and imposing penalties to alarm companies. If you exceed the maximum number of "free" false alarms, the alarm user must pay the false alarm fees. An exception to this rule is if the Police do not respond within thirty minutes, there will be no charge for a false alarm.

Automatic dialers at residences, apartment complexes and businesses may not be set to dial the Police Department or Emergency 9-1-1.

The ordinance is designed to encourage alarm users and alarm companies to work together to minimize false alarms. (A copy of the "Alarms System" Chapter of the City Code is included in Chapter 7, **Reference Materials**.)

The Police Department normally will not respond to those locations without a permit for common burglar alarms. However, if the Police do respond, a citation could be issued for not having a valid permit.

Section 3: Free Home Security Surveys

The Arlington Police Department will conduct a free security survey at your residence to identify security weaknesses and/or hazards. A police officer will offer cost-effective, common sense, security recommendations that can reduce the likelihood of your home being targeted by a criminal. Contact the Community Services Division at 459-5725 to schedule a survey.

Homeowner's Insurance Premium Reduction Surveys. The crime prevention officers in the Community Services Division are certified by the Texas State Insurance Board to conduct Homeowner's Insurance Premium Reduction Surveys. You can preview the requirements for eligibility in Chapter 6, Form 7.

Section 4: Operation Identification

Operation Identification is a nationwide burglary prevention program for homes and businesses. The Operation ID program involves marking property with an identifying number to discourage burglary and theft. In communities where it has been properly implemented, Operation ID has been highly successful.

Marked property is difficult for a burglar to dispose of or re-sell, since it can be traced to the rightful owner with relative ease. If a burglar is caught with marked property, it is solid evidence of possession of stolen goods.

How to Participate. Citizens may borrow an electric engraving tool from the Community Services office or any Arlington Fire Station at no charge (see list of fire stations on following page.) Engravers can also be purchased at most home improvement centers.

Engrave your Texas driver's license number to identify your valuables. You may also use the number from a Texas Department of Public Safety ID Card. A typical marking should look like this:

TX45678901DL or TX45678910ID

Do not mark property with a Social Security number. Law enforcement agencies do not have access to the information and are unable to utilize this number in property identification. Mark a place that can be easily observed without dismantling the object.

Mark your property, make a list of your valuables, and keep a copy of the list in a safe place. This will be of great help to the police if your property is stolen.

Valuables that cannot be marked should be photographed and kept in a safe place. Videotaping your belongings is very effective for insurance purposes, but is not easily used by the police. Still photographs are portable for a police investigation, while videotapes are not.

After you have marked your property, place the Operation ID decals in the windows of your home to announce that your property is marked.

Locations of Arlington Fire Stations			
Station	Address	Station	Address
1	401 W. Main Street	9	4929 South Cooper Street
2	1727 Sherry Street	10	3205 SW Green Oaks Blvd.
3	1820 S. Fielder Road	11	2204 Ballpark Way
4	1733 W. Randol Mill Road	12	5050 S. Collins Street
5	2921 E. Randol Mill Road	13	7100 Russell Curry Road
6	2620 South Collins Street	14	5501 Ron McAndrew Drive
7	5601 Ronny Snow Drive (4000 Little Road)	15	906 Eden Road
8	2020 Madison Drive	16	1503 Mansfield Webb Road

Section 5: Security Habits

In the Home:

- ✓ Keep blinds and draperies closed to prevent a burglar from “window shopping” your residence.
- ✓ Leave a radio on when leaving home.
- ✓ Never leave a note for anyone on the door explaining that you are not home.
- ✓ Never leave doors or windows unlocked.
- ✓ Always close and lock garage doors.
- ✓ Secure automatic garage door transmitter in the glove compartment of your car, or take it inside with you.
- ✓ Always leave lights on in more than one room when you are out after dark. A timer or photoelectric cell, which automatically turns on outside lighting at dusk is a good idea.
- ✓ Keep the shrubbery trimmed near your doors and windows to allow visibility from the street.
- ✓ Keep your grass cut, your leaves raked, etc. to show a well cared for and occupied home.
- ✓ Empty your mailbox or arrange to have it emptied as soon as mail is delivered, or install a locking mailbox.
- ✓ Never display your marital status, or first or middle name, on your nameplate or mailbox.
- ✓ Re-key locks when moving into an apartment or previously-owned home.
- ✓ Keep extra keys out of sight and in a safe place.
- ✓ Never hide a key outside. Most hiding places are obvious to burglars.

On the Telephone:

- ✓ Never give personal information (name, age, address, etc.) to a stranger on the telephone.
- ✓ Never let a stranger on the telephone know you will or will not be home.
- ✓ Never let a stranger on the telephone know you are home alone.
- ✓ Instruct baby-sitters never to tell anyone who calls that they are home alone with children.

- ✓ Teach children never to tell a stranger who telephones that parents are not home. Teach them to say, "My mom can't come to the phone now. May I take a message?"

When Going Away:

- ✓ Have a neighbor check your home. Don't cancel your paper or mail deliveries. Have your neighbor pick up your paper and mail every day.
- ✓ Leave a key with a friend. Ask that the house be checked periodically. Open and close drapes, and turn on different lights so the house appears occupied.
- ✓ Store valuables in a safe deposit box, if possible.
- ✓ Request a vacation check from the police.
- ✓ Do not disconnect telephone service. Instead, turn the bell tone to the lowest volume. And use telephone call forwarding, if you have the feature.
- ✓ Ask a neighbor to put a bag of trash in front of your house on trash pick-up days.
- ✓ Consider inviting friends, relatives, or associates to stay in your home while you are away.
- ✓ Leave a "second car" in the driveway, or ask your neighbors to park in your driveway.

Section 6: What if You're Confronted by a Criminal?

Get in the habit of surveying your home as you approach it. If you find any evidence that someone has broken in, DO NOT ENTER. Go to the nearest telephone and call the police. If you confront a burglar the very first rule is GET OUT OF HIS WAY! Never get between a burglar and the exit, and never try to stop him. It may cost you your life!

If someone is prowling outside your house, make him think that several people are at home. Call to someone, "Dan, there's someone outside." Call the police. If it's dark, turn on lights.

If someone has already broken in, leave the house if possible. If you can not get out, retreat and put other doors between the two of you. (It is a good idea to have a deadbolt on an interior door.)

If you can't get out, try to signal a neighbor or throw something through a window. Just the noise may frighten a burglar away. Call 911 immediately.

If the intruder is armed, do what he says. If you have children, be sure that they do as he says as well. Remain calm; hopefully, he wants your property rather than your life.

Memorize a description of the intruder. When he has left, write it down before calling the police. Don't depend on memory.

Chapter 4

Other Programs and Resources

Section 1: Code Enforcement Office

Code Enforcement is a city division that enforces non-criminal ordinances (i.e., city laws not enforced by the Police Department) related to the maintenance, sanitation, rehabilitation, and conservation of existing housing. The office also monitors commercial properties for zoning and health code violations. Code Enforcement also enforces for the city: its alarm system ordinances; weed and grass abatement; and abandoned vehicles on private property.

Your Community Watch group can request training in recognizing code violations, or request help with developing an “action plan” for your neighborhood. Both the Police and Code Enforcement departments will participate.

For more information, or to report a possible code violation in your neighborhood, call the City’s Code Enforcement Office at (817) 459-5979.

Section 2: City Ordinances

The City Code of the City of Arlington contains the local ordinances that have been approved and enacted by the Arlington City Council. Many of these ordinances were passed specifically to maintain, or improve, quality of life issues for Arlington’s citizens. A few of the ordinances of particular interest to neighborhoods are summarized below:

Security in Multi-Family Dwellings. The City emphasizes crime prevention in multi-family dwellings, and has passed ordinances dealing specifically with landlord/property owner requirements for the security of their tenants. Article XIII of the Uniform Housing Chapter of the City Code (see Chapter 7, **Reference Materials**) gives detailed information on the types of security measures that must be present.

The Nuisance Chapter of the City Code contains other ordinances of particular interest to neighborhoods, including:

- Weeds and Tall Grasses, Section 2.09
- Unclean Premises, Section 2.01
- Household Appliances, Section 2.23
- Junked Vehicles, Sections 6.01 through 6.07 (*note that junked vehicles parked on a public street will be ticketed or towed by the Police Department*)
- Parking of Vehicles, Sections 7.01 and 7.02
- Graffiti, Sections 8.01 through 8.05

Each of these code sections has been included in Chapter 7, **Reference Materials**. Please refer to these sections before contacting the city to report a potential violation. As might be expected, certain conditions must be met before action can be taken. For more information or clarification, or to report a possible violation in your neighborhood, call the City's Code Enforcement Office at (817) 459-5979.

Section 3: Arlington Fire Department

We encourage Community Watch groups to contact the Fire Department and schedule a tour of their neighborhood fire station. The Fire Department can also help schedule speakers on topics such as fire safety and arson investigation. They also offer a wide variety of educational programs. Contact the Fire Department for additional information at (817) 459-5500.

Section 4: Victim Assistance Services

The Victim Assistance Office, located at the Arlington Police Department, offers support to victims and survivors of violent crimes. They offer a wide range of services and information. See their brochure (included with this manual) for information regarding:

- **Rights of Crime Victims**
- **Victim Assistance Services**
- **The Crime Victims' Compensation Act**
- **Medical Treatment**
- **Resource Phone Numbers**
- **Family Violence and Protective Orders**
- **Investigation and Prosecution of a Crime: What Happens Next?**

You may also obtain a free copy of their brochure by contacting their office at (817) 459-5339.

Section 5: Sex Offender Registration Program

Background. Texas' Sex Offender Registration law intends to keep citizens alert to the potential dangers that certain sex offenders could pose by their presence in neighborhoods, and to discourage repeat offenders. The Texas Department of Public Safety maintains a statewide database of registration information on sex offenders, which has been collected by individual criminal justice agencies (including the Arlington Police Department).

In addition to the registration requirements, the law also requires public notices (in local newspapers) regarding the presence of certain sex offenders in the community, and also requires that local law enforcement agencies notify local school superintendents and administrators.

Only specific individuals meeting particular criteria are required to register as sex offenders; the contents of any offender database is a guide only, and not to be considered all-inclusive.

Newspaper Notices. Local papers publish the full name, age, sex, full address (including street number and apartment number), photograph, and specific offense for which an offender was adjudicated. The notice also includes the victim's age and sex. The notice is printed in English and Spanish.

Obtaining Information on Sex Offenders. The Texas Department of Public Safety maintains a statewide database of registered sex offenders that is available via the Internet. The public can search the database for a specific individual (by name) or specific area (by zip code). Their site address is <http://records.txdps.state.tx.us/>.

The Arlington Police Department also maintains its own Internet site of local offenders. Find it at www.arlingtonpd.org

You may also make a written request (referred to as a Public Information request) to the Arlington Police Department. Please identify the particular information or area in which you are interested. Mail or deliver the written request to:

Domestic Crimes Unit
Arlington Police Department
P. O. Box 1065
620 W. Division Street
Arlington TX 76004-1065

NOTE: Citizen requests for sex offender information are also considered Public Information. The names and addresses of citizens requesting sex offender registration information are also available to the requesting public.

Section 6: Business Community Watch Program

The Business Community Watch Program was designed to create a safe environment for business owners, employees, and customers. The program is free and the only requirement is the desire to share information.

Participants will receive a newsletter every three to four months. The *Business Community Watch Quarterly* gives general information regarding crime trends, it informs readers on educational courses offered by the Arlington Police Department's Community Services Division, and keeps a business owner updated on major changes being implemented in the business sector. Safety awareness classes are also offered to assist in employee training, including check fraud prevention, robbery prevention, and shoplifting deterrence. The Community Services Division also offers business security surveys, personal safety classes, and window decals and signs. These can be displayed in the business to show community involvement and discourage crime. The programs and signs are available to all businesses and will be offered when specifically requested.

The Arlington Police Department is committed to providing the citizens and merchants of Arlington the highest quality of police service available. We also believe that crime and related matters are impossible to conquer alone. It takes a joint effort to identify problems and implement solutions. So match our efforts and join Business Community Watch!

If you are interested in joining Business Community Watch, a copy of the registration form is included in Chapter 6, Form 8, or contact the Community Services Division to have one faxed or mailed to you.

Chapter 5

Final Thoughts

Now that you've had an introduction to the steps you can take to protect yourself and your family, take the following quiz. It will remind you of what you've already accomplished, and where improvements can still be made.

Are You "Taking a Bite Out of Crime"?

Place a check mark next to each item you can answer "Yes."

- Do you attend Community Watch meetings?
- Do you know your neighbors' first names, last names, home and work phone numbers?
- Are all of your doors and windows always locked when you're away?
- Do you have high security deadbolts and reinforced strike plates on all exterior doors?
- Are all your exterior doors solid-core or metal-clad?
- Do you have peepholes in all your exterior doors?
- Do you lock your interior door from the house to the garage?
- Do you have exterior lights that come on automatically nightly?
- Do you have interior lights on timers?
- Do you keep your garage door closed and locked when out of view?
- Are your car doors always locked, even when parked in the driveway?
- Operation ID:** Have you engraved your belongings with your Texas driver's license number?
- Are sliding glass doors and windows secured against lifting and prying?
- Have you had a home security survey done on your home?
- Do you park under a light when shopping at night?
- Do you and your children know what to do in case of emergency?

(Continued on next page) ⇨

- Do you report all crime that happens to you? (Even if you think it's your fault, or it seems insignificant to you?)
- Do you call the Arlington Police Department for vacation checks?
- Do you ask a neighbor to check your house daily when you're away?
- Do you ask a neighbor to put bags of trash by your curb on pickup days that you're away?
- Do you keep your radio tuned to a talk station while you're away?
- Do you conduct fire drills and test your smoke detectors monthly?
- Do you have a current household inventory and keep valuables in a safe deposit box?
- Do you have a security system and do you routinely use it and check it for false alarms?

Add up your check marks: _____ and see how you rate.

19 to 25: Great! Keep up the good work.

11 to 18: You're doing well, but there's room for improvement.

0 to 10: You may be setting yourself up as a crime victim!



REMEMBER!

Implementing these suggestions will help you reduce your likelihood of becoming a victim and will increase the quality of live where you live. Become an active member in your Community Watch program. There is strength in numbers!

Chapter 6

Miscellaneous Information

And Forms

ARLINGTON POLICE DEPARTMENT
COMMUNITY WATCH COORDINATOR APPLICATION

Full Name		Date
Address		Zip Code
Home Telephone	Business Telephone	
Cellular Telephone	E-mail Address	

YOUR CHOSEN BOUNDARIES (STREETS)	
North Boundary <i>(use street name)</i>	East Boundary <i>(use street name)</i>
South Boundary <i>(use street name)</i>	West Boundary <i>(use street name)</i>
Are these boundaries part of a homeowner's association or subdivision? If "yes," please list the name of such.	
Approximately how many homes are located within these boundaries?	

Under Texas law, the Arlington Police Department must provide a list of Community Watch Coordinators, and related information, to anyone who requests it. **You have the right** to request that your name and address not be released for anything other than legitimate Community Watch business.

Please sign below if you do not want your name, address, or telephone number released for other than Community Watch purposes.

Signature	Date
-----------	------

Return your completed form to:

**Community Services Division
Arlington Police Department
Post Office Box 1065
620 W. Division Street
Arlington TX 76004-1065**



Notice of Community Watch Meeting

Name of Community Watch Group:

Date and Time:

Where:

Community Watch is a program for citizens, run by citizens. It is a proactive approach to reducing crime, with focus on neighbors working together with the Arlington Police Department. We are the "eyes and ears" of the neighborhood, and Community Watch depends on our involvement and cooperation. Community Watch can be a very effective program.

Very simply, Community Watch involves:

- Neighbors getting to know each other and working together to reduce crime.
- Educating neighbors to be more alert in recognizing suspicious activities and taking the appropriate actions.
- Implementing other crime deterrents such as participation in the Operation Identification (property marking) program and other basic home security measures.

**We are all potential victims of crime.
Join us in a Community Watch meeting and
learn how to increase your quality of life!**



COMMUNITY WATCH MEETING SIGN-IN SHEET

Community Watch Group / Area	Date
Meeting Location	

PLEASE PRINT CLEARLY!

<u>Name</u>	<u>Address</u>	<u>Home Phone</u>	<u>Work Phone</u>	<u>Email Address</u>

Know Your Neighborhood



House Behind Yours	House Behind Yours	House Behind Yours
Name	Name	Name
Address	Address	Address
Home Phone	Home Phone	Home Phone
Work Phone	Work Phone	Work Phone



House Next Door
Name
Address
Home Phone
Work Phone

House Next Door
Name
Address
Home Phone
Work Phone



House Across the Street	House Across the Street	House Across the Street
Name	Name	Name
Address	Address	Address
Home Phone	Home Phone	Home Phone
Work Phone	Work Phone	Work Phone

**ARLINGTON POLICE DEPARTMENT
CITIZEN POLICE ACADEMY APPLICATION AND WAIVER**

Full Name				Application Date	
Home Address				Zip Code	
Home Telephone		Business Telephone		Occupation	
Employer		Employer Address		Zip Code	
Date of Birth	Driver's License Number and State		Social Security Number		Sex
How did you hear about the Citizen Police Academy?					
Other organizations you are involved with:					
Have you ever been arrested or convicted of any crime? <input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes," please explain.					

"I hereby certify that there are no willful misrepresentations, omissions, or falsifications in the foregoing statements and answers. I understand that any omission or false statements on this application shall be sufficient cause for rejection for enrollment in or dismissal from the Arlington Citizen Police Academy.

I further understand that the Arlington Police Department will be conducting a thorough background investigation that may include, but is not limited to: criminal history, employment history, and personal references."

Applicant's Signature

Date Signed

Return completed application and waiver to:

**Arlington Police Department
Community Services Division
Post Office Box 1065
620 W. Division Street
Arlington TX 76004-1065**

Our office will contact you by telephone upon receipt.

THE STATE OF TEXAS
COUNTY OF TARRANT

WAIVER OF LIABILITY, RELEASE,
INDEMNIFICATION AND HOLD
HARMLESS AGREEMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT I, the undersigned _____,
for and in the sole consideration of the privilege of being a participant in the Citizen Police Academy of the City of Arlington, and being allowed use of City of Arlington property, equipment and services, including but not limited to, the firing range and instruction of self-defense, and recognizing that such activity involves certain inherent risks and dangers to my property and person, to include property damage and/or physical injury do hereby agree to assume the risks attendant to all activities associated with participation in the Citizen Police Academy of the City of Arlington, including but not limited to: property damage and/or personal injury to me as a result of motor vehicle accidents or motor vehicle collisions on either public streets or private property; property damage and/or personal injury to me as a result of the acts of others associated with any and all Citizen Police Academy activities including firing range activities and self-defense instruction; property damage and/or personal injury to City of Arlington property or employees or any third persons resulting from Citizen Police Academy activities; property damage and/or personal injury to me resulting from the acts of third parties whether caused by errors, omissions or negligent acts of said third parties or myself; property damage and/or personal injury to me resulting from my own errors, omissions, or negligent acts; property damage and/or personal injury to others resulting from my own errors, omissions or negligent acts.

I hereby waive all claims, release, indemnify, defend and hold harmless the City of Arlington and all of its officials, officers, agents, and employees in both their public and private capacities, from any and all liability, claims, suits, demands, expenses of litigation, or causes of action which may arise by reason of injury to persons or loss of, damage to or loss of use of any property occasioned by error, omission, or negligent act of myself or any other persons with regard to this Agreement and I will at my own cost and expense defend and protect the City of Arlington against any and all such claims and demands.

I hereby agree to indemnify, defend and hold harmless the City of Arlington and all of its officials, officers, agents, and employees from and against any and all claims, losses, damages, causes of action, suits, and liability of every kind, including all expenses of litigation, including but not limited to court costs and attorney's fees for death, injury to or debt of any person or loss of, damage to, or loss of use of any property arising out of or in connection with this Agreement. Such indemnity shall apply whether the claims, losses, damages, causes of action, suits, of liability arise in whole or in part from the negligence of the City of Arlington, its officers, officials, agents or employees. It is the express intention of the parties hereto, both myself and the City of Arlington, that the indemnity provided for in this paragraph is indemnity by the undersigned to indemnify and protect the City of Arlington's own negligence, whether that negligence is the sole or concurring cause of the injury, death or damage.

It is further agreed that the execution of this "Waiver of Liability, Release, Indemnification and Hold Harmless Agreement" will not constitute a waiver by the City of Arlington of the defense of governmental immunity where applicable, or any other defense recognized by the courts of the State of Texas.

Signed, this the _____ day of _____, 200__.

Signature: _____

Address: _____

Telephone: _____

Witness: _____

Email: _____

Lighting Chart

Characteristics	Incandescent (including Tungsten Halogen)	Fluorescent	Mercury-Vapor	Metal-Halide	High-Pressure Sodium	Low-Pressure Sodium
Wattages (1 amp only)	Up to 3000	4 to 240	40 to 1000	400; 1000; 1500	70; 100; 150; 250; 400; 1000	35; 55; 90; 135; 180
Life (hours)	500 to 10,000	12,000 to 20,000	16,000 to 24,000	6,000 to 15,000	20,000 to 24,000	18,000 to 20,000
Lumens per watt (lamp only)	17 to 23	67 to 83	45 to 63	80 to 100	100 to 140	130 to 183
Color rendition	Very good to excellent	Good to excellent	Fair to very good	Excellent	Fair	Poor
Light direction control	Very good to excellent	Fair	Very good	Very good	Very good	Fair to good
Source size	Compact	Extended	Compact	Compact	Compact	Extended
Comparative fixture cost	Low because of simple fixtures	Moderate	Higher than incandescent, generally higher than fluorescent	Generally higher than mercury-vapor	Moderately high	Higher than high- pressure
Comparative operating cost	High because of relatively short life and low lumen per watt	Lower than incandescent; replacement costs higher than HID because of greater number of lamps needed; energy costs generally lower than mercury- vapor	Lower than incandescent; replacement costs relatively low because of relatively few fixtures and long lamp life	Generally lower than mercury-vapor; fewer fixtures required, but lamp life is shorter and lumen maintenance not quite as good	Comparatively low; few fixtures required	Generally the lowest, but application and coverage may raise costs above high- pressure; hard to obtain replacement bulbs

Lighting is a valuable and cost-effective tool for combating abnormal use of space during the night time. Ideally, a good lighting system would reproduce daylight. Realistically, the system must furnish a high level of visibility and at the same time a low level of glare.

Crime deterrent lighting usually approaches a lighting level of 10 foot candles. For reference, indoor office lighting usually approaches a 100 foot candle level, while moonlit streets are at a .02 foot candle level.

Footcandle: The illumination on a surface one square foot in area on which one lumen of light is uniformly distributed.

Lumens: Light bulbs are rated in lumens. The lumen is frequently used as a term to express the output of a light source. Lumen is actually an expression of a light's efficiency as measured by lumens per watt.

Watts: A term used to measure the amount of electrical energy consumed.

TEXAS INSURANCE CODE for 5%

REDUCTION IN HOMEOWNERS INSURANCE PREMIUMS

Chapter 5, Texas Insurance Code, amended Article 5.33A

- A. Exterior doors are solid core doors that are 1 and 3/8 inches thick and are secured by dead-bolt locks. Dead-bolt locks must lock with a minimum bolt lock throw of one inch that penetrates a metal strike plate. If the door secured by the dead-bolt lock has a breakable glass within **40 inches** of the lock, the lock must be key- operated from both sides **unless prohibited by life safety codes.**

The City of Arlington follows the International Residential Code, which states, “All egress doors shall be readily openable from the side from which egress is to be made without the use of a key...”

Consequently, if you have a single, thumb turn lock on a door and the lock is within 40 inches of a window, you will NOT qualify for the discount. Double cylinder deadbolt locks (those keyed from both sides) will also NOT qualify for this discount because it is in violation of the above International Residential Code.

If you have a solid core door with a single cylinder deadbolt lock (thumb turn) with no window/glass within 40 inches of the lock, you will qualify for this portion of the discount. You will also have to meet other requirements listed.

Metal doors must be secured by dead-bolt locks.

A dead-bolt lock as required above must lock with a minimum bolt throw of one inch that penetrates a metal strike plate.

- B. Double doors must meet the specifications provided for in Section A and must have the inactive door secured by header and threshold bolts that penetrate metal strike plates, and in the case of glass located within 40 inches of the header and threshold bolts, must have the bolts flush-mounted in the edge of the door. French double doors usually have numerous glass panes. These will not be approved unless the required header and threshold bolts are flush-mounted in the edge of the door.
- C. Sliding glass doors must have secondary locking devices to resist LIFTING and PRYING.
- D. Dutch doors must have concealed flush-bolt locking devices to interlock upper and lower halves and must be secured by a deadbolt lock.
- E. Garage doors must be equipped with key-operated locking devices. Any key-operated locking device (even a hasp and padlock) will qualify an overhead garage door. Electric garage door openers also qualify as a key-operated locking device.

Connecting doors between the living area and the garage are not exterior doors, and are not subject to the requirements.

If the garage is attached to the house, but does not have a door connecting the living area to the garage, then the garage does not have to be included in the inspection.

If there is a connecting door from the living area to the garage, then any exterior doors from the garage to the outside are subject to the same standards as any exterior door (must be solid core (or metal) and have a deadbolt).

- F. Windows must be secured by auxiliary locking devices. An auxiliary locking device as required by these specifications may include wooden dowels, pinning devices, or thumb screw locks. Key-operated locks or other devices that require special tools or ability to open are prohibited by the Fire Code.**

- G. Jalousie or louvered windows do not meet the specifications unless they have metal grating mounted as provided in Section G.

- H. Storm windows meet the requirements of auxiliary window locking devices if installed over the manufactured window. An auxiliary window locking device is one other than installed by the window manufacturer.

- I. Alarm security systems, regardless of how sophisticated, have no bearing on this survey.

TO SCHEDULE YOUR INSPECTION, CALL THE ARLINGTON POLICE COMMUNITY SERVICES SECTION AT 459-5725.

INSURANCE REDUCTION ALARM REQUIREMENTS for 15%

The following requirements must be met in order to qualify for a 15% reduction in your homeowner's insurance premium:

1. All exterior structure openings must be contacted. Contacted means each opening should have a physical appliance actually touching it. Openings **include:**
 - a. attached garage **overhead/bay** door
 - b. any other exterior openings in the garage
 - c. all exterior doors and windows (upstairs included)
 - d. all other entrances into the residence
2. The alarm system includes an interior and an exterior siren.
3. All alarm equipment is Underwriters Laboratory approved and the alarm is monitored by a U. L. approved central station. This requirement must be met by the homeowner or tenant by obtaining a letter from the Alarm Company stating so. The letter must be an original letter on the alarm company letterhead and signed by a representative of the company. The letter must also state that sales, service, installation and monitoring of the system are done in compliance with the Private Investigators and Private Security Agencies Act. (Article 4413 (29bb), Vernon's Texas Civil Statutes. The letter must be addressed to the insured with the correct address of the residence stated in the letter.

The requirements along with the described letter from your alarm company must be met prior to an inspector coming to your residence. The inspector will retain the original copy of the letter, so it is recommended that you make a copy.

Arlington Police Department



Business Community Watch

Business Name _____

Business Address _____ Zip _____

Phone Number _____ Fax Number _____

Contact Person (Full Name) _____ Title _____

Hours of Operation _____

Alarm Company _____ Phone Number _____

E-mail address _____

Specific Problems _____

Comments _____

Please check the following activities you would be interested in as a member of BCW:

- | | | |
|--|--|---|
| <input type="checkbox"/> Personal Safety | <input type="checkbox"/> BCW Workshop | <input type="checkbox"/> Shoplifting Prevention |
| <input type="checkbox"/> Fire Safety | <input type="checkbox"/> Robbery Prevention | <input type="checkbox"/> Security Survey* |
| | <input type="checkbox"/> Operation Thumbs Up | |

*Applicable with manager or business owner present at the time survey is administered.

Please return BCW registration form to the Arlington Police Department, Community Affairs Unit

Address: 620 W. Division St
P.O. Box 1065
Arlington, TX 76004-1065

Phone: 817-459-5725

Fax: 817-459-5797

Chapter 7

Reference Materials

*Appendix A: Call Dispatch Classifications and Methods***CALL DISPATCH CLASSIFICATIONS AND METHODS**

Classification	Factors	Dispatch Method
<p>EMERGENCY</p> <p><i>immediate, emergency police response</i></p>	<ul style="list-style-type: none"> • immediate threat to life • violent criminal act in progress • suspect pursuing citizen • imminent critical danger • violent incident has just occurred and there is a high expectation by the caller of a rapid police response or a likelihood of suspect apprehension • unknown call by an excited caller 	<p>If all Division units are busy, need for units to clear for Emergency call will be broadcast.</p> <p>If no units clear, nearest unit from another Division will be dispatched</p> <p>call type and location via radio</p> <p>supplements via radio</p>
<p>PRIORITY 1</p> <p><i>immediate police response</i></p>	<ul style="list-style-type: none"> • non-violent criminal offense in progress • criminal offense just occurred • suspects in the area or just left scene • criminal offense imminent • recent (non-delayed) injury reported • imminent non-critical injury • potential violence or imminent danger • public disorder occurring • citizen's arrest with suspect resisting 	<p>If all Division units are busy, need for units to clear for Priority 1 call will be broadcast.</p> <p>If no units clear after 5 minutes, need to clear will again be broadcast.</p> <p>If call is violent and text indicates imminent threat of injury to person or damage to property and no units clear after second broadcast, nearest unit from another Division will be dispatched.</p> <p>call type and location via radio</p> <p>supplements via radio</p>
<p>PRIORITY 2</p> <p><i>reasonable police field response</i></p>	<ul style="list-style-type: none"> • delay not likely to result in further injury, loss of property, or adversely affect investigation • no offense in progress • delay not likely to result in criminal offense • witness on scene with suspect information • no reason to believe suspect within distance to locate • time limitation on contacting complainant • situation may eventually be hazardous • citizen's arrest with suspect not resisting 	<p>may be held by dispatch up to 15 minutes for primary call unit*</p> <p>call type and location via radio</p> <p>supplements via MDC/MDT</p>
<p>PRIORITY 3/AS AVAILABLE</p> <p><i>as available basis by the primary call unit</i></p>	<ul style="list-style-type: none"> • delay not likely to adversely affect investigation • will not result in substantial inconvenience to citizen • no change in physical evidence expected • suspect description unknown • suspect not near • victim or complainant has checked residence or building for suspect 	<p>may be held up to 1 hour awaiting dispatch to primary call unit*</p> <p>call type and location via radio</p> <p>supplements via MDC/MDT</p>
<p>PRIORITY 3/WHEN AVAILABLE</p> <p><i>primary call unit on a when available basis</i></p>	<ul style="list-style-type: none"> • no complainant is waiting • delayed investigation or report • follow-up incident 	<p>may be held up to 2 hours awaiting dispatch to the primary call unit*</p> <p>call type and location via radio</p> <p>supplements via MDC/MDT</p>

* **Timed-out Priority 2 and 3 Calls.** If after the time limit the primary call officer remains unavailable on a Priority 2 or 3 call, the dispatcher will route the call via MDC/MDT (with radio notification) to the district Sergeant or Lieutenant. The dispatcher will continue to monitor the status of field units until one is clear and available for service. (Revised 06-04-04)

City of Arlington, Texas – City Ordinances

Alarm Systems

Amended by Ordinance No. 05-104
(November 8, 2005)

ARTICLE I DEFINITIONS

"Alarm Administrator" means a person or persons designated by the Chief to administer and review and enforce alarm permitting and false alarm notifications, billing, and permit revocations.

"Alarm Business" means the business, whether by an individual, partnership, corporation, or other entity, of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, installing, or monitoring an alarm system.

"Alarm Notification" means a notification intended to summon the police, which is designed either to be initiated purposely by a person or by an alarm system that responds to a stimulus characteristic of unauthorized intrusion.

"Alarm Site" means a premise or location with one (1) street address served by an alarm system or systems that are under the control of one (1) owner or lessee.

"Alarm System" means a device or system, including but not limited to, systems interconnected with a radio frequency method such as cellular or private radio signals, that emits, transmits or relays a remote or local audible, visual or electronic signal indicating an alarm condition and intended to summon, or that would reasonably be expected to summon police services of the City of Arlington. Alarm system does not include:

1. An alarm installed on a vehicle;
2. An alarm designed to alert only the inhabitants of a premise which does not emit a signal that is audible or visible only from the exterior of the structure; or
3. A Personal Emergency Response System as that term is defined by Section 781.001 of the Texas Health and Safety Code. (Amend Ord 05-104, 11/8/05)

"Alarm Systems Company" means the business, whether by an individual, partnership, corporation, or other entity, of selling, leasing, maintaining, servicing, repairing, altering,

replacing, moving, installing, or monitoring an alarm system. (Amend Ord 05-104, 11/8/05)

"Alarm User" means any person, firm, partnership, corporation or other entity who (which) uses or is in control of any alarm system at its alarm site.

"Alarm User Awareness Class" means a class conducted by the City of Arlington for the purpose of educating alarm users about the problems created by false alarms and responsible use and operation of alarm systems.

"Chief" means the Chief of Police of the City of Arlington or authorized representative.

"City Manager" means the City Manager of the City of Arlington or authorized representative.

"Commercial" means a site used primarily for the purpose of conducting a business or trade. In the case of joint commercial and residential uses, the use of the unit wherein the alarm device is located classifies the site for the purposes of this ordinance.

"Conversion" means the transaction or process by which one Alarm Systems Company begins monitoring of an alarm system previously monitored by another Alarm Systems Company. (Amend Ord 05-104, 11/8/05)

"Establishment" means any enterprise, public, private or social, operating at an alarm site.

"False Alarm Notification" means an alarm notification to the City of Arlington when 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 Arlington receiving the alarm notification.

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

"Residential" means a site used primarily as a dwelling. In the case of joint commercial and residential uses, the use of the unit wherein the alarm device is located classifies the site for the purposes of this ordinance.

"Unit" means a portion of an alarm site that contains a separately operated alarm system. (Amend Ord 00-086, 8/1/00)

ARTICLE II PERMITS

Section 2.01 Permit Required

- A. A separate permit is required for each alarm site and for each alarm unit.
- B. A person commits an offense if he operates, or causes or allows to be operated, an alarm system on premises under his control or ownership or at its alarm site without a valid alarm permit issued by the Arlington Police Department. The Alarm Administrator and Arlington Police Officers are authorized to enforce this provision, and to issue citations for violations.
- C. No exemptions shall apply except as required by Federal or State law. The burden of proof shall be with the person asserting the exemption.
- D. The annual, nonrefundable fee for an alarm permit is Fifty Dollars (\$50). Persons sixty-five (65) years of age or older are exempt from payment of this fee. (Amend Ord 03-032, 3/18/03)

Section 2.02 Form of Application

- A. Application for permits required by the provisions of this ordinance shall be filed with the Chief on a form provided by the Chief. If the applicant is a firm or partnership and no owner or general partner resides, operates a business or is employed within the State of Texas, then the application must be subscribed and sworn to by the individual having the authority and responsibility for the management and operations of the alarm within the State. If the applicant is a corporation, the application shall be subscribed and sworn to by at least one (1) principal corporate officer.
- B. If the applicant is a corporation, the application shall specify the date and place of its incorporation, the location of the applicant's principal place of business, a list of the principal corporate officers and the business address, business telephone number, residence address and the office or position held by each principal corporate officer.
- C. If the applicant is a partnership, the application shall specify the location of the applicant's principal place of business and the names, business addresses, business telephone number, and residence addresses of each partner.
- D. The application shall include at least the following information:

1. The individual's, corporation's, or partnership's full name, business address, business telephone number, residence address and residence telephone number;
 2. The individual's date and place of birth;
 3. The telephone number of the person designated to respond to an alarm as required by Section 3.01(A) below; and
 4. The name, business address, and business telephone number of the alarm systems company monitoring the alarm system, if applicable. (Amend Ord 05-104, 11/8/05)
- E. Any individual signing a permit application must be at least eighteen (18) years of age.
- F. The application shall state the address site for the location of the alarm system and whether it is a residential or commercial site.

Section 2.03 Permit Issue/Renewal/Denial

Upon receipt of a completed application form, the Chief shall issue an alarm permit to an applicant unless the applicant:

- A. Failed to pay a service fee assessed under Section 5.01 below;
- B. Had an alarm permit for the alarm site revoked, and the violation causing the revocation has not been corrected;
- C. Made a false statement of a material matter in the application;
- D. Committed any act which, if committed by a permittee, would be grounds for the revocation of a license under Section 6.01 below;
- E. Is applying for a permit for an alarm system which has a history of unreliability, or is defective under Section 3.02(E). In such a case, the Chief may issue or renew the permit if applicant provides a statement from a licensed alarm systems company stating the alarm system functions properly; or
- F. Has had eight or more false alarms during the preceding 12-month period. (Amend Ord 05-104, 11/8/05)

Section 2.04 Transfer and Amendments

An alarm permit cannot be transferred to another person or site. A permit holder shall in writing inform the Chief of any change that alters any information listed on the permit

application, including a conversion, within two (2) business days of such change. No fee will be assessed for such changes.

Section 2.05 Fees Paid

All service fees and permit fees owed by an applicant must be paid before a permit may be issued or renewed.

Section 2.06 Permit Duration and Renewal

A permit is valid for one (1) year from the earlier date of either the date of its issuance, or the date of the first false alarm notification, and may be renewed every year upon submission of an updated application. It is the responsibility of the permit holder to submit a renewal application ten (10) days prior to the permit expiration date.

Section 2.07 Duration of Denial

A denial of permit shall be for any period of time up to six (6) months at the discretion of the Chief based on the severity of the violation under Section 2.03 above. (Amend Ord 00-086, 8/1/00)

ARTICLE III PROPER ALARM SYSTEM OPERATION

Section 3.01 Requirements of Operation

A permit holder or an alarm user shall:

- A. Respond or cause a representative to respond within a reasonable period of time (not to exceed two (2) hours) when notified by the City of Arlington to repair or inactivate a malfunctioning alarm system, to provide access to the premises or to provide security for the premises; and
- B. Not manually activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report.

Section 3.02 Maintenance

A permit holder or alarm user shall:

- A. Maintain the premises containing an alarm system in a manner that ensures proper operation of the alarm system.
- B. Maintain the alarm system in a manner that will minimize false alarm notifications.
- C. 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 fifteen (15) minutes after being activated.
- D. Maintain a complete set of written operating instructions for each alarm system at each alarm site. Special codes, combinations or passwords must not be included in these instructions.
- E. Operate the alarm system only if the system is functioning properly. If the alarm administrator determines that false alarm notification(s) are related to a defect or malfunction in the alarm system, the alarm administrator may require the permit holder or alarm user to produce a written report from a properly licensed alarm systems company which has inspected the alarm system stating the probable cause of false alarms and actions taken or recommendations for eliminating the false alarms. For purposes of false alarm notifications, it is presumed an alarm system is defective if there are three (3) false alarm notifications within a thirty day period or five (5) false alarm notifications within a ninety day period. If there are five (5) false alarm notifications within a twelve month period, the permit holder shall have a properly licensed alarm systems company modify the alarm system to be more reliable and may attend alarm user awareness class. (Amend Ord 05-104, 11/8/05)

Section 3.03 Disabling an Alarm

If an alarm system sounds a broadcast signal (signal that is audible or visible from the exterior of a structure) for longer than thirty (30) minutes after being activated, an Arlington police officer is authorized to disable the alarm. All costs to the City of Arlington in disabling the alarm shall be assessed to the person required to have a permit and shall be paid to the City within thirty (30) days after the person has received notice that the costs have been assessed. Application for a permit constitutes a grant of approval to the City to disable the alarm as provided herein.

Section 3.04 Reporting of Alarm Signals

A permit holder or alarm user shall not allow alarm signals to be directly reported or reported through a relaying intermediary by a signal or recorded message to the City of Arlington unless mandated by federal law.

Section 3.05 Alarm Reset

A permit holder or alarm user of an alarm system that emits an alarm signal that is audible or visible from the exterior of a structure shall adjust the alarm system so that upon activation, the alarm system will not transmit another signal without first being reset.

Section 3.06 Alarm System and Permit Inspections

Upon the determination of the Alarm Administrator that an alarm system is malfunctioning and the permit holder or alarm user is not maintaining the alarm system in compliance with Sections 3.01 and 3.02, the person in control of the alarm system shall allow the Chief to inspect an alarm site and alarm system during regular business hours, and in the case of a residential alarm system, upon notification to the permit holder. The alarm permit shall be kept at the alarm site and shall be produced for inspection upon request of the Arlington Police Department.

Section 3.07 Alarm System Installations

Only a permit holder, or at his request a person or business licensed by the Texas Board of Private Investigators and Private Security Agencies as provided by state law, may install an alarm system in the City of Arlington.

Section 3.08 Alarm Monitoring and Reporting

Only a person or business licensed by the Texas Board of Private Investigators and Private Security Agencies as provided by state law, may monitor and relay alarm notifications on behalf of a permit holder or alarm user. Before relaying an alarm notification, the Alarm Systems Company shall attempt to verify, by telephonic or other electronic means, every alarm signal. An Alarm Systems Company shall send notifications of alarms and cancellations of alarms to the City of Arlington in a manner and form determined by the City of Arlington, and shall relay current permit numbers for each alarm notification. An Alarm Systems Company may be assessed a service fee of twenty-five dollars (\$25) for each incorrect or incomplete permit number relayed to the City of Arlington. Any service fee assessed under the provisions of this section must be paid within thirty (30) days after receipt of notice of the assessment. If the assessed fees become ninety (90) days delinquent, a ten (10) percent late charge will be added. (Amend Ord 05-104, 11/8/05)

Section 3.09 Alarm Business Records

An Alarm Systems Company which monitors and reports alarm notifications to the City of Arlington must maintain designated records for a period of at least thirteen (13) months following the request for police dispatch to an alarm site. Records must include the name, address and telephone number of the alarm user, address of the alarm site, the alarm system zone(s) or point(s) activated, the time of request for police dispatch, and evidence that an attempt to verify was made to the alarm site prior to the request for police dispatch, and if applicable, time of cancellation of police response. The Alarm Administrator may request copies of such records for individually named alarm users or permit holders. (Amend Ord 05-104, 11/8/05)

Section 3.10 Alarm Systems in Multiunit Housing Facilities

A. The owner or property manager of a multiunit housing facility shall obtain a separate alarm permit for an alarm system operated in nonresidential areas of the multiunit housing facility.

B. A service fee may not be imposed for the signaling of a false alarm on the premises of a multiunit housing facility for a facility other than an individual residential unit unless the permit holder is notified of:

1. the date of the signaling of the false alarm;
2. the address of the multiunit housing facility where the signaling of the false alarm occurred; and
3. the identification of the individual facility, if applicable, located on the multiunit housing facility premises where the signaling of the false alarm occurred.

C. The owner or property manager of a multiunit housing facility in which an alarm system is installed in one or more individual residential units shall disconnect the alarm system in any vacant residential unit or be responsible for payment of all service fees for any false alarm notification emitted from an alarm system in any vacant residential unit in the multiunit housing facility. (Amend Ord 05-104, 11/8/05)

Section 3.11 Alarm System Performance Reviews

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 permit holder, and may recommend attendance at an alarm user awareness class. If the permit holder fails to attend a conference, after receiving notice, an administrative fee of twenty-five dollars (\$25) may be imposed against the permit holder. (Amend Ord 00-086, 8/1/00)

Section 3.12 Duties of an Alarm Systems Company

A. On the installation or activation of an alarm system, an alarm systems company shall distribute to the occupant of the alarm system location information on:

1. the applicable local and state law relating to false alarms, including the potential for penalties and revocation or suspension of a permit;
2. how to prevent false alarms, and
3. how to operate the alarm system.

B. An alarm systems company shall notify the municipality in which the alarm system is located of an installation or activation of an alarm system not later than the 30th day after the date of installation or activation. The alarm systems company shall provide to the municipality:

1. the alarm systems company name;
2. the alarm systems company license number;
3. the name of the occupant of the alarm system location;
4. the address of the alarm system location; and
5. the date of installation or activation.

C. This section applies only to an alarm system installed or activated on or after January 1, 2006. (Amend Ord 05-104, 11/8/05)

**ARTICLE IV
INFORMATION RECORDED**

Section 4.01 Information Recorded

The Arlington Police Department shall cause to be recorded such information as necessary to permit said City to maintain records of calls made in response to an alarm, including but not limited to the following information, if available:

- A. Identification of the permit holder;
- B. Identification of the alarm site;

- C. Arrival time and time call cleared;
- D. Time of day and date;
- E. Physical damage to the structure likely to have caused the alarm; and
- F. Name of the permit holder's representative on premises, if any.

Section 4.02 Alarm Classification

- A. The responding officer shall report whether the notification was caused by a criminal offense or other physical damage to the structure likely to have caused the alarm, which classification will determine whether the alarm is a false alarm notification.
- B. An alarm notification will not be counted in determining when a service fee will be assessed if the permit holder proves that the alarm notification was the result of a malfunction in the operation of telephone lines for the transmission of alarm signals. Under this subsection, proof shall be telephone company work orders or time-stamped records from the servicing alarm company showing the periods of interrupted service. (Amend Ord 90-29, 03/13/90)

ARTICLE V SERVICE FEE

Section 5.01 Service Fee Schedule

- A. No service fee will be charged within any twelve (12) month period for the first three (3) false alarm notifications.
- B. Except as provided in Sections 5.02 and 5.03 below, a person who is required to obtain a permit shall pay:
 - 1. A service fee of Fifty Dollars (\$50) each for the fourth and fifth false alarm notification in the preceding 12-month period;
 - 2. A service fee of Seventy Five Dollars (\$75) each for the sixth and seventh false alarm notification in the preceding 12-month period; and
 - 3. A service fee of One Hundred Dollars (\$100) each for the eighth or any additional false alarm notification in the preceding 12-month period. (Amend Ord 05-104, 11/8/05)

Section 5.02 Service Fee Nonapplicable

If the responding police officer or alarm administrator determines that an alarm notification was caused by a criminal offense or other physical damage to the structure likely to have caused an alarm, or by a natural or man-made catastrophe, no service fee will be assessed for that notification, and that notification will not be counted in determining when a service fee will be assessed.

Section 5.03 Appeal of Service Fee

If the responding police officer determines that an alarm notification was false, the officer will so notify the permit holder and the Alarm Administrator according to procedures established by the Chief. If the permit holder disputes the officer's determination that the alarm notification was false, the permit holder must, within five (5) working days of receipt of a false alarm notice, make an appeal in writing to the Alarm Administrator. The appeal must state the date of the alarm notification and the reasons why the permit holder requests the service fee not be assessed. The Alarm Administrator will make a determination in writing within five (5) working days of receipt of the appeal. The determination of the Alarm Administrator may be appealed to the Chief if an appeal is made in writing to the Chief within five (5) working days of receipt of the Alarm Administrator's findings. The decision of the Chief is final. (Amend Ord 00-086, 8/1/00)

ARTICLE VI REVOCATION OF ALARM PERMIT

Section 6.01 Grounds

The Chief shall revoke an alarm permit upon determination that:

- A. There is a false statement of a material matter in the application for a permit;
- B. The permit holder has violated any provision of Article III above;
- C. The permit holder has failed to make timely payment of fees assessed under Section 5.01 above;
- D. The alarm system, due to mechanical malfunction or faulty equipment, has caused at least six (6) false alarm dispatch requests in a twelve (12) month period. For purposes of revocation of a permit, human error and acts of God do not constitute mechanical malfunction or faulty equipment;

- E. An alarm system was manually activated in violation of Section 3.01(B); or
- F. An alarm system has had eight or more false alarms during the preceding 12-month period. (Amend Ord 05-104, 11/8/05)

Section 6.02 Duration of Revocation

A revocation shall be for any period of time up to six (6) months at the discretion of the Chief based on the severity of the violation. (Amend Ord 00-086, 8/1/00)

**ARTICLE VII
APPEALS**

Section 7.01 Appeal From Denial or Revocation of a Permit

A. If the Chief refuses to issue or renew a permit, or revokes a permit, he/she shall send to the applicant or permit holder, within five (5) working days by certified mail, return receipt requested, written notice of his action, the reasons therefore, and a statement of the right to an appeal. The applicant or permit holder may appeal the decision to the City Manager by filing with the City Manager a written request for a hearing setting forth the reasons for the appeal within ten (10) days after receipt of the notice. The filing of a request within ten (10) days for an appeal hearing with the City Manager stays an action revoking a permit until the City Manager makes a final decision. If a request for an appeal hearing is not made within the ten (10) day period, the refusal or revocation is final.

B. The City Manager shall serve as Hearing Officer at an appeal and consider evidence by any interested person. The formal rules of evidence do not apply at an appeal hearing. The Hearing Officer shall make a decision on the basis of a preponderance of the evidence presented at the hearing. The Hearing Officer must render a decision within thirty (30) days after the request for an appeal hearing is filed. The Hearing Officer shall affirm, reverse or modify the Chief's decision. The decision of the Hearing Officer is final. (Amend Ord 00-086, 8/1/00)

ARTICLE VIII VIOLATIONS

Section 8.01 Violations/Penalty

- 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 Arlington that imposes upon him a duty or responsibility, regardless of the presence or absence of a culpable mental state.
- B. Permittee. 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. Non-Permittee. A person who is not required to have a permit under this Chapter commits an offense if he knowingly operates, causes or permits to be operated an alarm system after receipt of notice that the alarm system lacks a current City permit.
- D. 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 revoked.
- E. 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 3.12 of this Chapter to occur.
- F. 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). (Amend Ord 05-104, 11/8/05)

Section 8.02 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. (Amend Ord 89-68, 06/13/89)

ARTICLE IX
IMPLEMENTATION OF CHAPTER

Section 9.01 **Schedule**

- A. Upon adoption, this Chapter shall apply only to a person who operates or causes to be operated an alarm system at an alarm site other than a residential site.

- B. Beginning January 1, 1990, this Chapter shall apply to all alarm systems, as defined herein, in the City of Arlington.

Section 9.02 **Review**

The Chief of Police shall monitor the enforcement and effect of this Chapter and make a report to the Arlington City Council on January 1, 1991, of its effect in reducing unnecessary alarm notifications. (Amend Ord 89-68, 6/13/89)

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City of Arlington, Texas – City Ordinances

The Uniform Housing Code

Amended by Ordinance No. 04-009
(January 13, 2004)

Ordinances adopted not yet codified: 06-086 adopted August 22, 2006

ARTICLE I

TITLE AND SCOPE

Section 101. Title

These regulations shall be known as the "Uniform Housing Code", may be cited as such, and will be referred to herein as "this code."

Section 102. Purpose

The purpose of this code is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the use and occupancy, location and maintenance of all residential buildings and structures within this jurisdiction.

Section 103. Scope

a) Application. The provisions of this code shall apply to all buildings or portions thereof used, or designed or intended to be used, for human habitation. Such occupancies in existing buildings may be continued as provided in the Building Code, except such structures as are found to be substandard as defined in this code.

Where any building or portion thereof is used or intended to be used as a combination apartment house-hotel, the provisions of this code shall apply to the separate portions as if they were separate buildings.

Every rooming house or lodging house shall comply with all the requirements of this code for dwellings.

(b) Alteration. Existing buildings which are altered or enlarged shall be made to conform to this code insofar as the new work is concerned and in accordance with the Building Code.

(c) Relocation. Buildings or structures moved into or within this jurisdiction shall comply with the requirements in the Building Code for new buildings and structures. (Amend Ord 04-009, 1/13/04)

ARTICLE II ENFORCEMENT

Section 201. General

(a) Authority. The Building Official or the Director of Neighborhood Services or designees are hereby authorized to enforce all of the provisions of this code. For such purposes, they shall have the powers of a law enforcement officer. (Amend Ord 04-009, 1/13/04)

(b) Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this code, or whenever the Director of Neighborhood Services or Building Official or an authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building or premises unsafe, dangerous or hazardous, the Director of Neighborhood Services or Building Official or their authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Director of Neighborhood Services or Building Official designees by this code, provided that if such building or premises be occupied, he shall first present proper credentials and request entry; and if such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused or if the owner or other person having charge or control of said premises cannot be located, the Director of Neighborhood Services or Building Official or their authorized representative shall have recourse to every remedy provided by law to secure entry.

When the Director of Neighborhood Services or Building Official or their authorized representative shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other person having charge, care or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the Director of Neighborhood Services or Building Official or their authorized representative for the purpose of inspection and examination pursuant to this code. (Amend Ord 04-009, 1/13/04)

(c) Responsibilities Defined. Every owner remains liable for violations of duties imposed upon him by this code even though an obligation is also imposed on the occupants of his building, and even though the owner has, by agreement, imposed on the occupant the duty of furnishing required equipment or of complying with this code, except as otherwise provided by law.

Every owner, or his agents, in addition to being responsible for maintaining his building in a sound structural condition, shall be responsible for keeping that part of the building or premises which he occupies or controls in a clean, sanitary and safe condition including the shared or public areas in a building containing two (2) or more dwelling units.

Every owner shall, where required by this code, the health ordinance or the Health Officer, furnish and maintain such approved sanitary facilities as required, and shall furnish and maintain approved devices, equipment or facilities for the prevention of insect and rodent infestation, and where infestation has taken place, shall be responsible for the extermination of any insects, rodents or other pests when such extermination is not specifically made the responsibility of the occupant by law or ruling.

Every occupant of a dwelling unit, in addition to being responsible for keeping in a clean, sanitary and safe condition that part of the dwelling or dwelling unit or premises which he occupies and controls, shall dispose of all his rubbish, garbage and other organic waste in a manner required by the health ordinance and approved by the Health Officer.

Every occupant shall, where required by this code, the health ordinance or the Health Officer, furnish and maintain approved devices, equipment or facilities necessary to keep his premises safe and sanitary. (Amend Ord 88-22, 01/26/88)

Section 202. Substandard Buildings

All buildings or portions thereof which are determined to be substandard as defined in City ordinances are hereby declared to be public nuisances and may be abated in accordance with the procedure specified in the "Construction" Chapter of the Code of Ordinances of the City of Arlington, Texas, Article XVI, entitled "Dangerous Buildings". (Amend Ord 04-009, 1/13/04)

Section 203. Housing Board of Appeals

In order to provide for final interpretation of the provisions of this code and to hear appeals provided for hereunder, the Housing Board of Appeals shall act under the provisions of this Chapter. (Amend Ord 04-009, 1/13/04)

Section 204. Violations

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this code.

ARTICLE III PERMITS AND INSPECTIONS

Section 301. General

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building or structure regulated by this code without first obtaining a separate permit for each building or structure from the Building Official in the manner and according to the applicable conditions prescribed in Article IV of the "Construction" Chapter of the Code of the City of Arlington.

Section 302. Fees

Whenever a building permit is required by Section 301 of this code, the appropriate fees shall be paid to the Building Official as specified in the Building Code.

Section 303. Inspection

All buildings or structures within the scope of this code and all construction or work for which a permit is required shall be subject to inspection by the Building Official in accordance with and in the manner provided by this code and the Building Code. (Amend Ord 04-009, 1/13/04)

Section 304. Multi-Family Dwelling Complexes

(a) A fee is hereby authorized to be charged to the ownership of all multi-family dwelling complexes and extended-stay hotels and motels, which terms are defined as a building or portion thereof, arranged, designed or occupied as three (3) or more dwelling units not for transient use, or a building or portion thereof, arranged, designed or occupied as an extended-stay hotel or motel. An extended-stay hotel or motel shall be, for the purpose of this ordinance, any hotel or motel which offers more than five (5) percent of its rental units for stays exceeding thirty (30) consecutive days. The authorized fees shall be used to provide for inspections to ensure compliance with the

requirements of this chapter. The fees shall be established by resolution of the City Council and shall be the fees in effect at the time payment is made. (Amend Ord 99-141, 11/16/99)

(b) The fees to be imposed shall be payable on a semi-annual basis upon all existing multi-family dwelling complexes with a valid Certificate of Occupancy. Billing periods shall be March through August (billable in September) and September through February (billable in March). For multi-family units completed after a billing period has commenced, fees shall be billed on a pro rata basis beginning with the date upon which a Certificate of Occupancy is issued. Thereafter, billing shall occur in accordance with the two (2) billing periods set forth above.

(c) The fees, when collected, shall be placed in a separate account known as the Apartment Fee Assessment Account. All such fees are to be expended during the current succeeding years or so much thereof as may be necessary to cover the City's direct and indirect cost for administering the inspections as required by this chapter. Should there be an unexpended balance at the end of any year, the City shall adjust the fees for the succeeding year, so that the amount produced and paid to the City, together with the unexpended balance in the Apartment Fee Assessment Account, will be sufficient to pay the expenses of carrying out the provisions of this chapter. Any amount remaining in the Apartment Fee Assessment Account at the end of the year shall be carried over and expended in accordance with these provisions during the subsequent year or years.

(d) All fees shall be applied to the year in which they were billed. (Amend Ord 89-107, 09/19/89)

ARTICLE IV DEFINITIONS

Section 401. Definitions

For the purpose of this code, certain terms, phrases, words and their derivatives shall be construed as specified in either this chapter or as specified in the Building Code. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Words in the singular include the plural, and the plural the singular. Words used in the masculine gender include the feminine, and the feminine the masculine. (Amend Ord 04-009, 1/13/04)

BUILDING CODE or CODE is as set forth in Article I of the Construction Chapter of the City of Arlington Code of Ordinances. (Amend Ord 04-009, 1/13/04)

EFFICIENCY DWELLING UNIT is a dwelling unit containing only one (1) habitable room and meeting the requirements of Section 503(b), Exception.

HEALTH AUTHORITY is the physician appointed by the Arlington City Council as required by law. (Amend Ord 04-009, 1/13/04)

HEALTH OFFICER is the legally designated Health Authority when required by law or the head of the Department of Neighborhood Services or his designee. (Amend Ord 04-009, 1/13/04)

HOT WATER is hot water supplied to plumbing fixtures at a temperature of not less than 110 degrees F.

MECHANICAL CODE is as set out in City of Arlington ordinances. (Amend Ord 04-009, 1/13/04)

NUISANCE The following shall be defined as nuisances:

1. Any public nuisance known at common law or in equity jurisprudence.
 2. Any attractive nuisance which may prove detrimental to children whether in a building, on the premises of a building or upon an unoccupied lot. This includes any abandoned wells, shafts, basements or excavations; abandoned refrigerators and motor vehicles; or any structurally unsound fences or structures; or any lumber, trash, fences, debris or vegetation which may prove a hazard for inquisitive minors.
 3. Whatever is dangerous to human life or is detrimental to health, as determined by the Health Officer.
 4. Overcrowding a room with occupants as described in Section 503.
 5. Insufficient ventilation or illumination as described in Section 504.
 6. Inadequate or unsanitary sewage or plumbing facilities as described in Section 505, Section 1001(b) and Section 1001(f).
 7. Uncleanliness, as determined by the Health Officer.
 8. Whatever renders air, food or drink unwholesome or detrimental to the health of human beings, as determined by the Health Officer.
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ARTICLE V
SPACE AND OCCUPANCY STANDARDS

Section 501. Location on Property

All buildings shall be located with respect to property lines and to other buildings on the same property as required by the Building Code. Exit courts from apartment houses to the public way shall be not less than forty-four inches (44") in width and seven feet (7') in height. (Amend Ord 04-009, 1/13/04)

Section 502. Yards and Courts

(a) Scope. This section shall apply to yards and courts having required windows opening therein.

(b) Yards. Every yard shall be not less than three feet (3') in width for one-story and two-story buildings. For buildings more than two (2) stories in height, the minimum width of the yard shall be increased at a rate of one foot (1') for each additional story. Where yards completely surround the building, the required width may be reduced by one foot (1'). For buildings exceeding fourteen (14) stories in height, the required width of yard shall be computed on the basis of fourteen (14) stories.

(c) Courts. Every court shall be not less than three feet (3') in width. Courts having windows opening on opposite sides shall be not less than six feet (6') in width. Courts bounded on three (3) or more sides by the walls of the building shall be not less than ten feet (10') in length unless bounded on one (1) end by a street or yard. For buildings more than two (2) stories in height, the court shall be increased one foot (1') in width and two feet (2') in length for each additional story. For buildings exceeding fourteen (14) stories in height, the required dimensions shall be computed on the basis of fourteen (14) stories.

Adequate access shall be provided to the bottom of all courts for cleaning purposes. Every court more than two (2) stories in height shall be provided with a horizontal air intake at the bottom not less than ten (10) square feet in area and leading to the exterior of the building unless abutting a yard or public space. The construction of the air intake shall be as required for the court walls of the building, but in no case shall be less than one (1) hour fire resistive.

(d) Projection into Yards. Eaves and cornices may project into any required yard not more than two inches (2") for each foot of yard width. Unroofed landings, porches and stairs may project into any required yard provided no portion extends above the floor level of a habitable room, and provided further that no such projection shall obstruct a required exitway.

Section 503. Room Dimensions

(a) Ceiling Heights. Habitable space shall have a ceiling height of not less than seven feet (7'), six inches (6") except as otherwise permitted in this section. Kitchens, halls, bathrooms and toilet compartments may have a ceiling height of not less than seven feet (7') measured to the lowest projection from the ceiling. Where exposed beam ceiling members are spaced at less than forty-eight inches (48") on center, ceiling height shall be measured to the bottom of these members. Where exposed beam ceiling members are spaced at forty-eight inches (48") or more on center, ceiling height shall be measured to the bottom of the deck supported by these members provided that the bottom of the members is not less than seven feet (7') above the floor.

If any room in a building has a sloping ceiling, the prescribed ceiling height for the room is required in only one-half (1/2) the area thereof. No portion of the room measuring less than five feet (5') from the finished floor to the finished ceiling shall be included in any computation of the minimum area thereof.

If any room has a furred ceiling, the prescribed ceiling height is required in two-thirds (2/3) the area thereof, but in no case shall the height of the furred ceiling be less than seven feet (7').

(b) Floor Area. Every dwelling unit shall have at least one (1) room which shall have not less than one hundred-fifty (150) square feet of floor area. Other habitable rooms, except kitchens, shall have an area of not less than seventy (70) square feet. Where more than two (2) persons occupy a room used for sleeping purposes, the required floor area shall be increased at the rate of fifty (50) square feet for each occupant in excess of two (2).

EXCEPTION: Nothing in this section shall prohibit the use of an efficiency living unit within an apartment house meeting the following requirements:

1. The unit shall have a living room of not less than two hundred-twenty (220) square feet of superficial floor area. An additional one hundred (100) square feet of superficial floor area shall be provided for each occupant of such unit in excess of two (2).

2. The unit shall be provided with a separate closet.

3. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities each having a clear working space of not less than fifty inches (50") in front. Light and ventilation conforming to this code shall be provided.

4. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.

(c) Width. No habitable room other than a kitchen shall be less than seven feet (7') in any dimension.

Each water closet stool shall be located in a clear space not less than thirty inches (30") in width and a clear space in front of the water closet stool of not less than twenty-four inches (24") shall be provided.

Section 504. Light and Ventilation

(a) Natural Light and Ventilation. All guest rooms, dormitories and habitable rooms within a dwelling unit shall be provided with natural light by means of exterior glazed openings with an area not less than one-tenth (1/10) of the floor area of such rooms with a minimum of ten (10) square feet. All bathrooms, water closet compartments, laundry rooms and similar rooms shall be provided with natural ventilation by means of openable exterior openings with an area not less than one-twentieth (1/20) of the floor area of such rooms with a minimum of one and one-half (1½) square feet.

All guest rooms, dormitories and habitable rooms within a dwelling unit shall be provided with natural ventilation by means of openable exterior openings with an area of not less than one-twentieth (1/20) of the floor area of such rooms with a minimum of five (5) square feet.

(b) Origin of Light and Ventilation. Required exterior openings for natural light and ventilation shall open directly onto a street or public alley or a yard or court located on the same lot as the building.

EXCEPTION: Required windows may open into a roofed porch where the porch:

1. Abuts a street, yard or court; and
2. Has a ceiling height of not less than seven feet (7'); and
3. Has the longer side at least sixty-five percent (65%) open and unobstructed.

A required window in a service room may open into a vent shaft which is open and unobstructed to the sky and not less than four feet (4') in least dimension. No vent shaft shall extend through more than two (2) stories.

For the purpose of determining light and ventilation requirements, any room may be considered as a portion of an adjoining room when one-half (1/2) of the area of the common wall is open and unobstructed and provides an opening of not less than one-tenth (1/10) of the floor area of the interior room or twenty-five (25) square feet, whichever is greater.

(c) Mechanical Ventilation. In lieu of required exterior openings for natural ventilation, a mechanical ventilation system may be provided. Such system shall be capable of providing two (2) air changes per hour in all guest rooms, dormitories, habitable rooms and in public corridors. One-fifth (1/5) of the air supply shall be taken from the outside. In bathrooms, water closet compartments, laundry rooms and similar rooms a mechanical ventilation system connected directly to the outside, capable of providing five (5) air changes per hour, shall be provided.

(d) Hallways. All public hallways, stairs and other exit-ways shall be adequately lighted at all times in accordance with the Building Code. (Amend Ord 04-009, 1/13/04)

Section 505. Sanitation

(a) Dwelling Units. Every dwelling unit shall be provided with a bathroom equipped with facilities consisting of a water closet, lavatory and either a bathtub or shower.

(b) Hotels. Where private water closets, lavatories and baths are not provided, there shall be provided on each floor for each sex at least one (1) water closet and lavatory and one (1) bath accessible from a public hallway. Additional water closets, lavatories and baths shall be provided on each floor for each sex at the rate of one (1) for every additional ten (10) guests or fractional number thereof in excess of ten (10). Such facilities shall be clearly marked for "Men" or "Women".

(c) Kitchen. Each dwelling unit shall be provided with a kitchen. Every kitchen shall be provided with a kitchen sink. Wooden sinks or sinks of similarly absorbent material shall not be permitted.

(d) Fixtures. All plumbing fixtures shall be connected to a sanitary sewer or to an approved private sewage disposal system. All plumbing fixtures shall be connected to an approved system of water supply and provided with hot and cold running water necessary for its normal operation.

All plumbing fixtures shall be of an approved glazed earthenware type or of a similarly nonabsorbent material.

(e) Water Closet Compartments. Walls and floors of water closet compartments except in dwellings shall be finished in accordance with the Building Code. (Amend Ord 04-009, 1/13/04)

(f) Room Separation. Every water closet, bathtub or shower required by this code shall be installed in a room which will afford privacy to the occupant. A room in which a water closet is located shall be separated from food preparation or storage rooms by a tight-fitting door.

(g) Installation and Maintenance. All sanitary facilities shall be installed and maintained in safe and sanitary condition and in accordance with all applicable laws.

ARTICLE VI STRUCTURAL REQUIREMENTS

Section 601. General

(a) General. Buildings or structures may be of any type of construction permitted by the Building Code. Roofs, floors, walls, foundations and all other structural components of buildings shall be capable of resisting any and all forces and loads to which they may be subjected. All structural elements shall be proportioned and joined in accordance with the stress limitations and design criteria as specified in the appropriate sections of the Building Code. Buildings of every permitted type of construction shall comply with the applicable requirements of the Building Code.

(b) Shelter. Every building shall be weather protected so as to provide shelter for the occupants against the elements and to exclude dampness.

(c) Protection of Materials. All wood shall be protected against termite damage and decay as provided in the Building Code.

ARTICLE VII MECHANICAL REQUIREMENTS

Section 701. Heating and Ventilation

(a) Heating. Every dwelling unit and guest room shall be provided with heating facilities capable of maintaining a room temperature of 70 degrees F., at a point three feet (3') above the floor in all habitable rooms. Such facilities shall be installed and maintained in a safe condition and in accordance with the Building Code, the Mechanical Code and all other applicable laws. Unvented fuel burning heaters shall not be permitted. All heating devices or appliances shall be of an approved type. (Amend Ord 04-009, 1/13/04)

(b) Electrical Equipment. All electrical equipment, wiring and appliances shall be installed and maintained in a safe manner in accordance with all applicable laws. All electrical equipment shall be of an approved type.

Where there is electrical power available within three hundred feet (300') of the premises of any building, such building shall be connected to such electrical power. Every habitable room shall contain at least two (2) supplied electric convenience outlets or one (1) such convenience outlet and one (1) supplied electric light fixture. Every water closet compartment, bathroom, laundry room, furnace room and public hallway shall contain at least one (1) supplied electric light fixture.

(c) Ventilation. Ventilation for rooms and areas and for fuel burning appliances shall be provided as required in the Mechanical Code and in this code. Where mechanical ventilation is provided in lieu of the natural ventilation required by Section 504 of this code, such mechanical ventilating system shall be maintained in operation during the occupancy of any building or portion thereof.

ARTICLE VIII EXITS

Section 801. General

Every dwelling unit or guest room shall have access directly to the outside or to a public corridor. All buildings or portions thereof shall be provided with exits, exitways and appurtenances as required by the Building Code.

Every sleeping room below the fourth (4th) story shall have at least one (1) operable window or exterior door approved for emergency egress or rescue. The units shall be operable from the inside to provide a full clear opening without the use of separate tools.

All egress or rescue windows from sleeping rooms shall have a minimum net clear opening of 5.7 square feet. The minimum net clear opening height dimension shall be twenty-four inches (24"). The minimum net clear opening width dimension shall be twenty inches (20"). Where windows are provided as a means of egress or rescue, they shall have a finished sill height not more than forty-four inches (44") above the floor. (Amend Ord 04-009, 1/13/04)

ARTICLE IX FIRE PROTECTION

Section 901. General

All buildings or portions thereof shall be provided with the degree of fire resistive construction as required by the Building Code for the appropriate occupancy, type of construction and location on property; and shall be provided with the appropriate fire extinguishing systems for equipment required by the Building Code. (Amend Ord 04-009, 1/13/04)

ARTICLE X SUBSTANDARD BUILDINGS

Section 1001. Definitions

(a) General. Any building or portion thereof including any dwelling unit, guest room or suite of rooms, or the premises on which the same is located, in which there exists any of the following listed conditions to an extent that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof shall be deemed and hereby is declared to be a substandard building.

(b) Inadequate Sanitation. Inadequate sanitation shall include but not be limited to the following:

1. Lack of or improper water closet, lavatory, bathtub or shower in a dwelling unit as described in Section 505.

2. Lack of or improper water closets, lavatories and bathtubs or showers per number of guests in a hotel as described in Section 505.

3. Lack of or improper kitchen sink as described in Section 505.

4. Lack of hot and cold running water to plumbing fixtures in a hotel as described in Section 505.

5. Lack of hot and cold running water to plumbing fixtures in a dwelling unit as described in Section 505.

6. Lack of adequate heating facilities as described in Section 701.

7. Lack of or improper operation of required ventilating equipment as described in Section 701.

8. Lack of minimum amounts of natural light and ventilation required by this code as described in Section 504.

9. Room and space dimensions less than required by this code as described in Section 503.

10. Lack of required electrical lighting as described in Section 701.

11. Dampness of habitable rooms as described in Section 601.

12. Infestation of insects, vermin or rodents as determined by the Health Officer.

13. General dilapidation or improper maintenance as described in Section 1001(1).

14. Lack of connection to required sewage disposal system as described in Section 1001(f).

15. Lack of adequate garbage and rubbish storage and removal facilities as determined by the Health Officer.

16. Furnished appliances (provided by the owner) in inoperative condition.

(c) Structural Hazards. Structural hazards shall include but not be limited to the following:

1. Deteriorated or inadequate foundations.

2. Defective or deteriorated flooring or floor support.

3. Flooring or floor supports of insufficient size to carry imposed loads with safety.

4. Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration.

5. Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety.

6. Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration.

7. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.

8. Fireplaces or chimneys which list, bulge or settle due to defective material or deterioration.

9. Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.

- (d) Nuisance. Any nuisance as defined in this code.
- (e) Hazardous Wiring. All wiring except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and is being used in a safe manner.
- (f) Hazardous Plumbing. All plumbing except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and which is free of cross connections and siphonage between fixtures.
- (g) Hazardous Mechanical Equipment. All mechanical equipment, including vents, except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good and safe condition.
- (h) Faulty Weather Protection, which shall include but not be limited to the following:
1. Deteriorated, crumbling or loose plaster.
 2. Deterioration or ineffective waterproofing of exterior walls, roof, foundations or floors, including broken windows or doors.
 3. Defective or lack of weather protection for exterior wall coverings, including lack of paint or weathering due to lack of paint or other approved protective covering.
 4. Severely peeling, flaking or chipped paint.
 5. Missing, broken, rotted, split, dilapidated or buckled exterior wall coverings, roof coverings or garage doors. (Amend Ord 00-059, 5/16/00)
- (i) Fire Hazard. Any building or portion thereof, device, apparatus, equipment, combustible waste or vegetation which in the opinion of the Chief of the Fire Department would augment the spread and intensity of fire or explosion arising from any cause.
- (j) Faulty Materials of Construction. All materials of construction except those which are specifically allowed or approved by this code and the Building Code and which have been adequately maintained in good and safe condition.
- (k) Hazardous or Unsanitary Premises. Those premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials and similar materials or conditions constitute fire, health or safety hazards.
- (l) Inadequate Maintenance. Any building or portion thereof which is determined to be an unsafe building in accordance with the Building Code. (Amend Ord 04-009, 1/13/04)

(m) Inadequate Exits. All exits which do not meet the requirements of this code except those which conform with all applicable laws at the time of their construction and which have been adequately maintained and increased in relation to any increase in occupant load, alteration or addition or any change in occupancy. Lack of adequate exits shall exist when there is not at least one (1) bedroom window per bedroom below the fourth (4th) story capable of being opened to the maximum size intended.

When an unsafe condition exists through lack of or improper location of exits, additional exits may be required to be installed.

(n) Inadequate Fire Protection or Fire Fighting Equipment. All buildings or portions thereof which are not provided with the fire resistive construction or fire extinguishing systems or equipment required by this code, except those buildings or portions thereof which conformed with all applicable laws at the time of their construction and whose fire resistive integrity and fire extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition or any change in occupancy.

(o) Improper Occupancy. All buildings or portions thereof occupied for living, sleeping, cooking or dining purposes which were not designed or intended to be used for such occupancies.

(p) Air Conditioning Equipment. Where air conditioning is furnished to the occupant of a rental unit, failure to design to a twenty (20) degree difference between inside and outside temperatures and to function to at least a fifteen (15) degree difference.

Section 1002. Penalty.

- a) A person commits a separate offense for each day a violation continues.
- (b) An offense under this chapter, excluding an offense under Article XIII, is punishable by a fine not to exceed \$2,000.00.
- (c) An offense under Article XIII is punishable by a fine not to exceed \$500.00.
- (d) The Director of Neighborhood Services or Building Official or a designee is authorized to enforce this chapter. (Amend Ord 04-009, 1/13/04)

ARTICLE XI APPEALS - PUBLIC HEARINGS BEFORE THE HOUSING BOARD OF APPEALS

Section 1101. Housing Board of Appeals

(a) Board. There is hereby established a Board to be called the Housing Board of Appeals (herein called "the Board"), which shall consist of the Zoning Board of Adjustment members.

(b) Term of Office. The term of office of such Board shall be as set out for the Zoning Board of Adjustment.

(c) Records. The Director of Neighborhood Services or Building Official or a designee shall act as Secretary of the Board and shall make a detailed record of all its proceedings, which record shall set forth the reasons for the Board's Decisions, the vote of each member participating therein, the absence of a member and any failure of a member to vote.

(d) Procedure. The Board may establish rules and regulations for its own procedure not inconsistent with the provisions of this Chapter and the rules and regulations of the Zoning Board of Adjustment.

(e) Board Decisions; Variations and Modifications.

1. The Board, when appealed to, shall conduct a hearing, and after such hearing, may vary the application of any provision of this Code to any particular case when, in its opinion, the enforcement thereof would do manifest injustice, and would be contrary to the spirit and purpose of this Code or the public interest, or when, in its opinion, the interpretation of the Director of Neighborhood Services or Building Official or a designee should be modified or reversed.

2. A decision of the Board to vary the application of any provision of this Code or to modify an order of the Director of Neighborhood Services or Building Official or a designee shall specify in what manner such variation or modification is made, the conditions upon which it is made and the reasons therefor.

(f) Board Decisions; Procedure.

1. Every decision of the Board shall be final, subject, however, to such remedy as the aggrieved party might have at law or in equity. The decision shall be in writing and shall indicate the vote upon the decision. Every decision shall be promptly filed in the office of the Director of Neighborhood Services and shall be open to the public for inspection. A true and correct copy of the decision shall be sent by mail or otherwise to the appellant, and a copy shall be publicly posted in the office of the Director of Neighborhood Services for two (2) weeks after the filing thereof.

2. The Board shall in every case reach a decision without unreasonable or unnecessary delay.

3. If a decision of the Board reverses or modifies a refusal, order or disallowance of the Director of Neighborhood Services or Building Official or a designee, or varies the application of any provision of this Code, the Director of Neighborhood Services or Building Official or a designee shall immediately take action in accordance with such decision.

4. Any person, firm or corporation aggrieved by any decision of the Board may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Unless such petition (appeal) shall be presented to the court within ten (10) days of the decision of the Board, the decision of the Board shall become final.

Section 1102. General

(a) Commencement of Proceedings. Whenever the Director of Neighborhood Services or Building Official or a designee has inspected and has reason to believe that any building is a substandard building, he shall proceed pursuant to Section 202 of this Code. This remedy shall be cumulative of the authority of the Director of Neighborhood Services or Building Official or a designee to issue citations for any violation of this ordinance; and in no event shall these provisions be construed as requiring the submission of a Public Hearing before the Housing Board of Appeals or Municipal Court as a prerequisite to the issuance of a citation under this Chapter. Any property owner affected hereunder may, however, request a Public Hearing before the Board as to the factual situation regarding the issuance of any citation under this Chapter. Such a Public Hearing shall be requested within ten (10) days of the date of the issuance of any citation. (Amend Ord 04-009, 1/13/04)

ARTICLE XII ENFORCEMENT

Section 1201. Compliance

((a) General. After any order of the Housing Board of Appeals made pursuant to this code shall have become final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order. Any such person who fails to comply with any such order is guilty of a misdemeanor.

(b) Failure to Obey Order. If, after any order of the Housing Board of Appeals made pursuant to this code has become final, the person to whom such order is directed shall fail, neglect or refuse to obey such order, the Director of Neighborhood Services or his designee may (1) cause such person to be prosecuted under Subsection (a) of this section,

or (2) institute any appropriate action to abate such building as a public nuisance.
(Amend Ord 04-009, 1/13/04)

ARTICLE XIII CRIME PREVENTION

Section 1301. Definitions

In this article:

- A. Deadbolt lock shall mean a lock in a door operated from the exterior with a key and from the interior without a key, by knob or lever; which is mounted at a height not to exceed forty-eight inches (48") above the finished floor; which has a bolt which automatically locks into place when fully thrown; which has no springs to extend or retract it; and which has a bolt throw that is no less than one inch (1") in length.
- B. Landlord shall mean a person who is the owner, lessor or person in control of a multifamily dwelling complex, or any unit thereof, but shall exclude a tenant.
- C. Latch shall mean a lock on a window which is operable without a key and only from the interior.
- D. Lease shall mean any written or oral agreement between a landlord and tenant that establishes or modifies the terms, conditions, rules or other provisions regarding the use and occupancy of a dwelling.
- E. Multi-family dwelling shall mean a building, or any portion thereof, which contains three (3) or more dwelling units not for transient use, including dwelling units which are owner-occupied.
- F. Multi-family dwelling complex shall mean one (1) or more multi-family dwellings occupying a common parcel of land, operating under a common name, and having a common owner, manager or homeowner's association, and shall include all common areas within and upon such land.

G. Peephole shall mean a permanently installed device in a door that provides clear one-way viewing and identification of persons or objects on the exterior side and which is made of a metal barrel with a lens of glass, acrylic, or other durable clear substance with an angle view of not less than 160 degrees.

H. Pin lock shall mean a locking device with the lock operated without a key or tool, and only from the interior, by inserting a pin or rod to prevent both vertical and horizontal movement of a sliding glass door.

I. Publicly accessible area shall mean an outdoor area to which all residents or substantial group of residents has reasonable access, including, but not limited to, parking areas, playgrounds, swimming pools, mail boxes, picnic or barbeque areas, tennis courts and common walkways.

J. Rekey shall mean to change a lock to prevent operation of the lock by the previous key, card or combination. Rekeying shall be accomplished by replacing the entire lock, altering the internal order of the tumblers of the lock or changing the combination or magnetic code which operates the lock.

K. Tenant shall mean a person who is authorized by lease to occupy a dwelling to the exclusion of others, and who is obligated to pay rent.

Section 1302. Preventive Measures

A. Deadbolts Required.

1. Each exterior door of a dwelling unit within a multi-family dwelling shall be equipped with a deadbolt lock. Sliding glass doors, screen doors and garage doors are exempt from this requirement. Doors between the living area of a dwelling unit and its garage are included.

2. Each strike plate of a required deadbolt lock shall be metal and secured by two (2) or more metal screws of a minimum length of three inches (3").

3. Each deadbolt lock and door knob lock shall be rekeyed between tenant occupancies.

B. Pin Locks Required.

1. Each exterior sliding glass door of a dwelling unit within a multifamily dwelling shall be equipped with a pin lock.

2. Pin locks that are installed after the effective date of this ordinance shall comply with the requirements of Subsection (B)(3).

3. Pin locks shall be installed so that the pin passes through the frames of both the stationary and sliding halves of the door. A pin lock shall be installed not more than eighteen inches (18") from the bottom frame of the door.

C. Latches Required. Each exterior vertically or horizontally opening window of a dwelling unit within a multi-family dwelling shall be equipped with an operative latch. Windows opening from a dwelling unit into a garage shall be included under this requirement. (Amend Ord 93-127, 11/30/93)

D. Peepholes Required.

1. Each exterior door of a dwelling unit within a multi-family dwelling shall be equipped with a peephole. Sliding glass doors, screen doors, garage doors, and doors between the living area of a dwelling unit and its garage are exempt from this requirement. A door with a vision panel that provides clear viewing and identification of persons and objects on the exterior side is exempt.

2. Peepholes shall be installed centrally on the door, at a height not greater than sixty-six inches (66") from the finished floor.

E. Exterior Lighting Required.

1. Each multi-family dwelling complex shall have exterior lighting in publicly accessible areas of the complex.

2. All such lighting shall be controlled by a photo cell or seasonally-adjusted timer switch, not operable by individual residents of the complex.

3. Lights shall be mounted at a height not less than nine feet (9') and not greater than thirty feet (30').

4. a. Light intensity shall be a minimum of 0.4 foot candle power.

b. The light intensity value does not represent the initial illumination of a light, but shall represent the maximum level of acceptable darkness in any publicly accessible area of a complex, when measured at a height not greater than three feet (3') from the ground.

c. Lighting fixtures that have been identified as nonoperable shall be repaired to an operable state within seventy-two (72) hours of written notice.

F. Premises Identification Lighting Required.

1. Each building contained within a multi-family dwelling complex shall have exterior lighting that provides clear viewing and identification of the building numbers or addresses as required by Subsections 1303(A) and (B).

2. All such lighting shall be controlled by a photo cell or seasonally adjusted timer switch, not operable by individual residents of the complex.

Section 1303. Premises Identification

A. On each building within a multi-family dwelling complex, a landlord shall install and maintain building numbers or addresses authorized by the City of Arlington, and so positioned as to be plainly readable from the public or private roadway fronting such building. Such numbers shall be of a color that contrasts with their background, and shall be a minimum of six inches (6") in height.

B. Immediately below each building address or number, a landlord shall install and maintain the letters or numbers indicating the range of dwelling units within such building. Such numbers or letters shall be of a color that contrasts with their background, and shall be a minimum of four inches (4") in height.

C. A landlord shall install and maintain the approved number or address for each dwelling unit at or upon the front door of such unit. Such number or address shall be of a color that contrasts with its background, and shall be a minimum of two inches (2") in height.

D. If the provisions of this section conflict with other provisions in the Code of the City of Arlington, as they pertain to premises identification within a multi-family dwelling complex, this section shall take precedence.

Section 1304. Compliance Deadlines

A. Security Devices.

1. Commencing June 1, 1992, deadbolt locks, strike plates, pin locks, latches and peepholes shall be installed in each dwelling unit of a multi-family dwelling complex in existence on the effective date of this ordinance, as its occupancy changes.

2. Deadbolt locks, strike plates, pin locks, latches and peepholes shall be installed in each dwelling unit of new construction of a multi-family dwelling complex before a tenant or owner occupies it.

3. Notwithstanding the above, all dwelling units of a multi-family dwelling complex shall be equipped with the deadbolt locks, strike plates, pin locks, latches and peepholes required by this article no later than December 1, 1993.

B. Lighting.

1. In existing multi-family dwellings, the premises identification lighting required by Subsection 1302(F) shall be installed by December 1, 1992.

2. The exterior lighting required by Subsection 1302(E) and the premises identification lighting required by Subsection 13.02(F) shall be installed in each new multi-family dwelling complex prior to its occupancy.

C. Premises Identification

1. In existing multi-family dwellings, the premises identification required by this article shall be installed by December 1, 1992.

2. The premises identification required by this article shall be installed in new multi-family dwelling complexes prior to their occupancy.

Section 1305. Offenses

A. A landlord commits an offense if he knowingly fails to install or maintain deadbolt locks, in accordance with the requirements of this article, in a dwelling unit of a multi-family dwelling complex.

B. A landlord commits an offense if he knowingly fails to install or maintain strike plates, in accordance with the requirements of this article, in a dwelling unit of a multi-family dwelling complex.

C. A landlord commits an offense if he knowingly fails to install or maintain pin locks, in accordance with the requirements of this article, in a dwelling unit of a multi-family dwelling complex.

D. A landlord commits an offense if he knowingly fails to install or maintain window latches, in accordance with the requirements of this article, in a dwelling unit of a multi-family dwelling complex. (Amend Ord 93-127, 11/30/93)

E. A landlord commits an offense if he knowingly fails to install or maintain peepholes, in accordance with the requirements of this article, in a dwelling unit of a multi-family dwelling complex.

F. A landlord commits an offense if he knowingly fails to install or maintain exterior lighting, in accordance with the requirements of this article.

G. A landlord commits an offense if he knowingly fails to install or maintain premises identification lighting, in accordance with the requirements of this article, on a multi-family dwelling of a multi-family dwelling complex.

H. A landlord commits an offense if he knowingly fails to rekey a deadbolt lock or door knob lock as required by Section 1302(A)(3).

I. A landlord commits an offense if he knowingly fails to install or maintain premises identification, in accordance with the requirements of this article, on a multi-family dwelling of a multi-family dwelling complex.

Section 1306. Defenses

A. In a prosecution of a landlord for a violation of Subsection 1305(A), (B), (C), (D), (E) or (H), it shall be a defense that the landlord occupied the unit which was in violation of this article.

B. In a prosecution of a landlord for a violation of this article, it shall be a defense that the landlord acted with reasonable diligence to correct the violation, but in no case shall reasonable diligence be deemed to exceed forty-eight (48) hours. (Amend Ord 99-43, 3/23/99)

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City of Arlington, Texas – City Ordinances

Nuisance

Amended by Ordinance No. 04-114
(December 20, 2004)

Ordinances adopted not yet codified:

06-088 adopted August 22, 2006

07-045 adopted June 19, 2007

ARTICLE I DEFINITIONS AND PROHIBITIONS

Section 1.01 Definitions

For the purpose of this Chapter, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

Aircraft - Any contrivance now known or hereafter invented, used or designated for navigation or for flight in the air. The word "aircraft" shall include helicopters and lighter-than-air dirigibles and balloons.

Fireworks - Any combustible or explosive composition, or any substance or combination of substances, or device prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, firecrackers, torpedoes, skyrockets, Roman candles, sparklers, or other devices of like construction and any devices containing any explosive or flammable compound, or any tablet or other device containing an explosive or flammable compound, or any tablet or other device containing an explosive substance, except that the term "fireworks" shall not include any auto flares, paper caps containing not in excess of an average of twenty-five hundredths of a grain of explosive content per cap, and toy pistols, toy canes, toy guns or other devices for use of such caps, the sale and use of which shall be permitted at all times.

Garbage - All decayable wastes, including vegetable, animal and fish offal and carcasses of such animals and fish, and shall include all such substances from all public and private establishments and from all residences.

Handbill - Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature.

Junk - All worn-out, worthless, and discarded material, in general, including but not limited to old iron or other metal, glass, paper, cordage or other waste or discarded materials.

Litter - All garbage, refuse and rubbish, as defined herein, and all other material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

Littering - The discarding of garbage, paper, and other forms of refuse in any place other than officially designated refuse containers or disposal units.

Person - Any natural person, association of persons, partnership, corporation, agent or officer, and shall also include all warehousemen, common and private carriers, bailees, trustees, receivers, executors, administrators, parents, and guardians.

Public Highway - The entire width between property lines including the non-paved area of a street right-of-way, of any road, street, way, thoroughfare, bridge, public beach, or park in this City not privately owned or controlled, when any part thereof is opened to the public for vehicular traffic or which is used as a public recreational area and/or over which the City has legislative jurisdiction under its police power.

Refuse - All garbage, rubbish, and all other decayable and non-decayable waste, including vegetable, animal and fish carcasses, except sewage from all public and private establishments and residences.

Rubbish - All non-decayable wastes, from all public and private establishments and from all residences.

(Amend Ord 78-153, 12/12/78)

Section 1.02 Power to Define and Prohibit

The City of Arlington, acting by and through its duly authorized officers, agents and representatives, as designated herein, shall have the power to:

A. Define all nuisances and prohibit the same within the City and outside the City limits for a distance of five thousand (5,000) feet (provided that this ordinance shall not

apply within any portion of such five thousand foot area which is contained within the territory of any other municipal corporation);

B. Police all parks or grounds, lakes and the land contiguous thereto and used in connection therewith, speedways, or boulevards owned by said City and lying outside of said City;

C. Prohibit the pollution of any stream, drain or tributaries thereof which may constitute the source of water supply of any city and to provide for policing the same as well as to provide for the protection of any watersheds and the policing of same;

D. Inspect dairies, slaughter pens and slaughter houses inside or outside the limits of the City, from which meat or milk is furnished to the inhabitants of the City, as provided in Texas Local Government Code, Sections 51.071-51.079, which grants such powers and authorizes such acts. All powers granted under such article of the Revised Civil Statutes are specifically adopted and made a part hereof. (Amend Ord 02-087, 8/6/02)

ARTICLE II

NUISANCES ENUMERATED

The following shall constitute nuisances when caused, allowed, maintained, or suffered to exist within the jurisdiction of the City of Arlington:

Section 2.01 Unclean Premises

Any property, public or private, any yards, lots, alleys, stables, pens, cellars, vaults, drains, pools, wells, cisterns, privies, sewers, grounds, premises, or buildings of any character, containing accumulations of litter, refuse, garbage, rubbish, junk, dead carcasses, decaying flesh, fish, fowls, vegetables, stagnant water or other stagnant liquids, flammable liquids, slops, trash, or other deposits or substances of any and every character, which are likely to or do become unwholesome, filthy, unsightly, offensive, or unsanitary or likely to create or engender disease. (Amend Ord 78-153, 12/12/78)

Section 2.02 Hauling Dead Carcasses

Hauling, carrying or transporting any slaughtered or dead animals or meat on, along, or upon any street, alley, highway, park or public grounds without having the same covered and protected from public view and screened from insects, germs and dust. (Amend Ord 78-153, 12/12/78)

Section 2.03 Opening in Streets, Etc.

Keeping or leaving open or unclosed any vault, hole, cellar, or other opening on any property, street, sidewalk, alley, or other public thoroughfare, unless the same be sufficiently protected and guarded to insure safety to all passing by or near same. (Amend Ord 78-153, 12/12/78)

Section 2.04 Exposure in Toilets

Any privy or water closet in such condition as to expose to view from without any person therein or contents thereof.

(Amend Ord 78-153, 12/12/78)

Section 2.05 Stagnant, Foul and Offensive Water

Any stagnant, foul or offensive water upon any lot or other premises or under the floor of any building. (Amend Ord 78-153, 12/12/78)

Section 2.06 Burning Certain Substances

Burning in the open: hair, leather, rags or other substances emitting an offensive, unhealthful or annoying smell, smoke or odor. (Amend Ord 78-153, 12/12/78)

Section 2.07 Slaughter Houses

Keeping, having or operating or suffering or permitting to exist on premises not zoned for such use any slaughter house, butcher pen, or other place where animals, fowls, or birds are slaughtered or killed. (Amend Ord 78-153, 12/12/78)

Section 2.08 Animals

Keeping, breeding or raising animals in or about any place or premises in such numbers or in such manner that the same may become annoying, offensive or disturbing to the adjacent residents of or those passing by such places or premises or which by reason of numbers create filth in or about such premises or premises adjacent thereto. (Amend Ord 78-153, 12/12/78)

Section 2.09 Weeds

Weeds, brush or any vegetation which is unsightly, unsanitary or unsafe growing to a height greater than twelve (12) inches upon any property. It shall be the duty of all persons to keep the area from the line of their property to the curb line, edge of asphalt or point at which the roadway begins, regardless of the type of said roadway next adjacent to the property, free and clear of the matter referenced above. All vegetation not regularly cultivated which exceeds twelve (12) inches in height shall be presumed to be objectionable, unsanitary and unsightly. (Amend Ord 87-112, 05/26/87)

Section 2.10 Manner of Placing Litter in Receptacles

Placing litter in public receptacles or in authorized private receptacles in such manner as to allow it to be carried or deposited by the elements upon any street, sidewalk or other public place or upon private property. (Amend Ord 78-153, 12/12/78)

Section 2.11 Throwing, Depositing, Etc. Handbills in Public Places

Throwing or depositing any commercial or noncommercial handbills in or upon any sidewalk, street or other public place. (Amend Ord 78-153, 12/12/78)

Section 2.12 Dropping Litter, Etc. From Aircraft

Throwing out, dropping or depositing from an aircraft any litter, handbills or any other object.

(Amend Ord 78-153, 12/12/78)

Section 2.13 Fireworks

Possessing, keeping, storing, using, manufacturing, assembling, selling, handling, transporting, receiving, or offering for sale any fireworks, within the city and outside the city limits for a distance of 5,000 feet (provided that this section shall not apply within any portion of such 5,000 foot distance which is contained within the territory of any other municipal corporation). (Amend Ord 86-119, 06/03/86)

A. It shall be an affirmative defense to Section 2.13 that the possession, sale, or use was for signaling devices for current daily consumption by railroads, or other transportation businesses requiring them; or that the possession, sale, or use was for normal stocks of flashlight compositions by photographers, or dealers in photograph supplies; or that the possession, sale, or use was for signal flares or rockets for military or police use. (Amend Ord 86-119, 06/03/86)

B. It shall be an affirmative defense to Section 2.13 that the possession, sale, or use was for supervised public displays of fireworks by the municipality, fair associations, amusement parks and other organizations or groups of individuals, provided that a permit for such fireworks display has theretofore been obtained from the Fire Marshal. The Fire Marshal shall have the power to adopt reasonable rules and regulations for the granting of such permits to include but not be limited to the following: (Amend Ord 86-119, 06/03/86)

1. Applications for permits shall be made in writing at least fifteen (15) days in advance of the date of the display. After such privilege shall have been granted, sale, possession, use, and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable. (Amend Ord 86-119, 06/03/86)

2. The permittee shall furnish proof of a liability insurance policy in coverage amounts of \$100,000 per person, \$300,000 per incident, and \$100,000 property damage conditioned for the payment of damages which may be caused either to a person or persons or to property by reason of the permitted display and arising from any acts of the permittee, his agents, employees or sub-contractors. (Amend Ord 86-119, 06/03/86)

Section 2.14 Defecating or Urinating in Public Places

Defecating or urinating upon any street, alley, park or any public grounds or upon any place visible to persons in any public street or other public place or private residence.

(Amend Ord 78-153, 12/12/78)

Section 2.15 Sleeping in Public Places

Sleeping upon any alley, street, sidewalk, or other public grounds to which the people may resort.

(Amend Ord 78-153, 12/12/78)

Section 2.16 Fire Hazards

Any condition prohibited by the City of Arlington Fire Code.

(Amend Ord 78-153, 12/12/78)

Section 2.17 Substandard Structure

Any structure which is in violation of Section 202 of the City of Arlington Uniform Housing Code, as amended, or any structure in violation of Section 16.03 of the Construction Chapter, as amended. (Amend Ord 02-087, 8/6/02)

Section 2.18 Vehicle Spillage

Causing any items to be dropped or fall from a vehicle upon any street, alley, or other public way or upon the private property of any person without his effective consent. (Amend Ord 78-153, 12/12/78)

Section 2.19 Pollution of Surface Waters

Any condition prohibited by Article 2 of the Health Chapter of the City of Arlington Code, as amended. (Amend Ord 78-153, 12/12/78)

Section 2.20 Miscellaneous Conditions

Any condition prohibited by Chapter 341 of the Texas Health and Safety Code, as amended, entitled Minimum Standards of Sanitation and Health Protection Measures. (Amend Ord 02-087, 8/6/02)

Section 2.21 Noise

A. The keeping of any animal or bird which, by causing frequent or long-continued noise disturbs the peace and quiet of persons in the neighborhood or the occupants of adjacent premises who have and possess normal nervous sensibilities.

B. Any condition prohibited by the Texas Penal Code, Section 42.01(a)(5), as amended. (Amend Ord 78-153, 12/12/78)

Section 2.22 Sight Obstruction

Any condition prohibited by Section 9.02 and 9.03 of the Streets Chapter of the City of Arlington Code, as amended. (Amend Ord 78-153, 12/12/78)

Section 2.23 Household Appliances

Any broken, discarded or abandoned refrigerator, freezer, water heater, dishwasher, range, oven, trash compactor, washing machine, clothes dryer or similar appliance located in the front, rear or side yard, including porches and unsecured garages, of any premises used as a residence. (Amend Ord 91-95, 10/01/91)

ARTICLE III PROHIBITED ACTS

Section 3.01 Committing Nuisances

It shall be unlawful for any person to commit any of the acts enumerated in Sections 2.01 through 2.23. (Amend Ord 91-95, 10/01/91)

Section 3.02 Penalty for Violation

A. Any person violating Sections 2.10, 2.11, 2.12, 2.15, 2.18, 2.20, 2.21, 2.22 and 2.23 of Article II of this chapter shall be guilty of a misdemeanor, and each day the violation continues shall be a separate offense. Each such offense shall be punishable by a fine not to exceed Five Hundred Dollars and No Cents (\$500.00).

B. Any person violating any section of Article II, other than those enumerated in Section 3.02(A) hereof, shall be guilty of a misdemeanor, and each day the violation continues shall be a separate offense. Each such offense shall be punishable by a fine not to exceed Two Thousand Dollars and No Cents (\$2,000.00). (Amend Ord 91-95, 10/01/91)

ARTICLE IV ABATEMENT

Preamble – The City of Arlington desires that property be maintained in an attractive and pleasant manner free of all nuisances. Premises that become unattractive because of high vegetation or other nuisance invite deterioration, vandalism and infestation and undermine the integrity of the neighborhoods and commercial areas where they exist. (Amend Ord 99-153, 12/7/99)

Section 4.01 Abatement by Owner - Duty

It shall be the duty of the owner, occupant or person otherwise having supervision or control of any lot, tract or parcel of land or portion thereof, or any building or portion thereof, whether occupied or unoccupied, improved or unimproved, on or in which any condition prohibited in Article II of this Chapter is found to exist, to remove or cause to be removed the prohibited nuisance at no cost to the City of Arlington. Failure to so remove or cause to be removed such a nuisance after notice to do so by said City shall constitute a misdemeanor.

Section 4.02 Abatement by City

Whenever any nuisance, as defined in Article II of this Chapter, is found to exist, and no owner, occupant or person otherwise having supervision or control of the premises containing such nuisance can be located, or when immediate abatement of said nuisance is deemed necessary by the City of Arlington for the public health, safety and general welfare of its citizens, said City shall initiate the abatement process in accordance with Section 4.03 below. Costs associated with such nuisance abatement shall be borne by the owner, occupant or other person in control of the premises.

Section 4.03 Abatement Procedure

A. If any owner, occupant or person otherwise having supervision or control of any lot, tract or parcel of land or portion thereof, or any building or portion thereof, shall fail to comply with the provisions of Section 4.01 above, said person may, in addition to being charged with a violation of this Chapter, be given notice to comply with the provisions of Section 4.01 above. Said notice shall be given by letter addressed and delivered to such person either by mailing it to the owner at the owner's address as recorded in the appraisal district records of the appraisal district in which the property is located or by personal delivery. If notice cannot be made in such manner, said notice shall be given by publication at least once, or by posting the notice on or near the front door of each building on the property to which the violation relates, or by posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates, if the property contains no buildings. If the notice is mailed to the property owner in accordance with this section and the United States Postal Service returns the notice as "refused" or "unclaimed", the validity of the notice is not affected, and the notice is considered as delivered. If the notice is given by mail, the date of notice is the date of delivery. If the date of delivery is not known, then notice given by mail is deemed to be delivered three (3) days after the date mailed. If notice is made by publication, the publication shall be in a newspaper of general circulation in the community.

B. After the expiration of seven (7) days from the date the notice required in Subsection (A) above has been mailed and delivered or personally delivered, or published or posted, the City of Arlington may enter the premises containing the nuisance condition

in accordance with this section and do or cause to be done any work necessary to bring such premises into compliance with this Chapter.

C. In a notice provided under this section, the City may also include terms of an annual notice which conforms to this subsection. The annual notice terms shall inform the owner by regular mail and a posting on the property that, if the owner commits another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the City without further notice may correct the violation at the owner's expense and assess the expense against the property. If a violation covered by the terms of the annual notice occurs within the one-year period, and the City has not been informed in writing by the owner of an ownership change, then the City without further notice may do the work or make the improvements required and pay for the work done or improvements made and charge the expenses to the owner of the property as provided in this section.

D. The expense incurred in correcting the condition of such property, including the cost of delivering and posting notice and of publishing notice in the newspaper, shall be initially paid by the City of Arlington and charged to the owner of such property, and the City of Arlington may cause the expense thereof to be assessed on the real estate, or lot or lots upon which such expense is incurred. On filing with the County Clerk of Tarrant County a statement of the expense incurred in correcting the condition on the property, the City of Arlington shall have a privileged lien on such property, second only to tax liens and liens for street improvements, to secure the payment of the amount so expended. Such amount shall bear interest at the rate of ten percent (10%) from the date the City of Arlington incurs the expense. The lien statement shall be filed by the Director of Neighborhood Services or his designee, and shall state the name of the owner, if known, and the legal description of the property. For any such expenditures and interest, suit may be instituted and recovery and foreclosure had by the City of Arlington. The statement of expense filed with the County Clerk or a certified copy thereof, shall be prima facie proof of the amount expended by the City in doing the work or making the improvements as particularly specified in the Texas Health and Safety Code §342.007. The procedures set out herein are civil in nature and shall in no way restrict or prohibit the prosecution of criminal charges under the provisions of this Chapter. (Amend Ord 02-087, 8/6/02)

E. Any police officer of the City of Arlington or any other peace officer is empowered to stop the transportation of and detain any nuisance found being transported illegally until the appropriate officials which are hereinafter designated can be notified in order that the said nuisance may be seized and destroyed in accordance with the terms of this section.

F. Notwithstanding any penal, lien or notice provisions of this ordinance, the City Attorney of the City of Arlington is authorized to file suit on behalf of said City for such injunctive relief as may be necessary to prevent unlawful storage, transportation, keeping or using of a nuisance and to aid the hereinafter designated officials in the discharge of

their duties and to particularly prevent any person from interfering or attempting to interfere with the seizure and destruction of such nuisance.

G. The hereinafter designated officials are hereby authorized to enter the public areas of any building or premises, not a private residence or dwelling, at all reasonable times where the unlawful presence of a nuisance is suspected, in order to inspect the same for the presence of such nuisance or to abate or destroy the nuisance, if such building or premises are occupied and conducting business. Such official shall first present proper credentials and demand entry, unless otherwise permitted by law. If such building or premises are unoccupied, a reasonable effort shall be made to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, or if no owner or other person having charge or control of the building or premises can be located, or the area to be inspected is not a public area, the hereinafter designated officials shall have recourse to every remedy provided by law to secure entry. (Amend Ord 99-153, 12/7/99)

Section 4.04 Authority to Enforce Chapter

The Director of Engineering Services, Director of Neighborhood Services and Director of Transportation, or their designees, shall enforce the terms and conditions of this Chapter when violations occur; however, when a fire hazard exists, the provisions of this Chapter shall also be enforced by the Fire Marshal. Any police officer of the City shall also enforce the terms and conditions of this Chapter when a violation occurs. (Amend Ord 02-087, 8/6/02)

ARTICLE V NUISANCE PERSONAL PROPERTY

Section 5.01 Declaring Certain Property a Nuisance and Authorizing Impounding

A. Any personal property or obstruction placed, left standing, erected or lying in violation of any ordinance of the City, or left unattended for more than forty-eight (48) hours in or upon any public street, alley, sidewalk, park or other public property of the City is hereby declared to be a nuisance.

B. Any personal property or obstruction placed, left standing, erected or lying on private property without the consent of the owner, occupant or person otherwise in charge of the premises on which same is located is hereby declared to be a nuisance.

C. Any property found in violation of paragraphs A or B of this section and declared to be a nuisance may be removed summarily by or at the direction of the Chief of Police or

any police officer of the City and shall be taken to a place of impoundment designated by the Chief of Police and shall be kept there until redeemed or sold as hereinafter provided.

D. All personal property found in violation of paragraphs A or B of this section shall be kept at a designated place of impoundment and shall be held until claimed or required to be processed in accordance with Section 5.04.

E. It shall be unlawful and a violation hereof for any person to cause to exist any of the conditions hereinabove declared to be nuisances.

F. Providing, however, that nothing in paragraphs A and B of this section shall be construed as declaring the following items of personal property as nuisances, to-wit:

1. Weapons (as defined in the Texas Penal Code);
2. Property, the possession, use, sale, manufacture, transportation, repair or delivery of which is prohibited by law, or property (other than abandoned, lost or mislaid) which is regulated by Sections 5.03 or 5.04;
3. Motor vehicles.

Section 5.02 Declaring Weapons a Nuisance and Authorizing Impounding, Sale and Destruction

A. All weapons, as defined in V.T.C.A., Penal Code, Chapter 46, placed, left standing or lying in violation of any ordinance of the City, or left unattended in or upon any public street, alley, sidewalk, park or other public property of the City, are hereby declared to be a nuisance.

B. All weapons, as defined in V.T.C.A., Penal Code, Chapter 46, placed, left standing or lying in violation of any ordinance of the City, or left unattended in or upon private property without the consent of the owner, occupant or person otherwise in charge of the premises on which the same is located, may be declared to be a nuisance.

C. Any weapons found in violation of paragraphs A or B of this section and declared to be a nuisance may be removed summarily by or at the direction of the Chief of Police or any police officer of the City and shall be kept there until redeemed or, as hereinafter provided, otherwise disposed of.

D. 1. All weapons found in violation of A or B of this section (provided that nothing herein shall require the release of a weapon, regulated by Article 18.18 or 18.19, Texas Code of Criminal Procedure), which are not being held as evidence in any pending case, shall be held until processed in accordance with Section 5.04.

2. In the event destruction of the weapon is authorized, it shall be destroyed in the presence of two (2) police officers of the rank of Lieutenant or higher, who shall make a report under oath, listing the make, model, type and serial number of the property destroyed, together with the time, date, place and manner of destruction. Provided, however, that this subsection shall not apply to:

a. Unclaimed weapons which the Chief of Police of the City has determined to be serviceable, which shall be kept in reserve by the City Police Department for use in the event of civil disorder or disaster or which are deemed suitable for sale at public auction;

b. Unclaimed weapons which have been classified as "antique" or "collector's items" by a qualified expert in the firearms field and which shall be advertised as such and sold at public auction as provided herein. The Chief of Police shall determine and select a qualified expert in the firearms field to classify such weapons.

E. It shall be unlawful and a violation hereof for any person to cause to exist any of the conditions hereinabove declared to be a nuisance.

Section 5.03 Disposition of Lost, Mislaid and Found Property

All lost or mislaid personal property which is turned over to the Police Department shall be held for a period of sixty (60) days, during which time reasonable efforts to locate the owner shall be made. If such property remains unclaimed in the custody of the Police Department of the City for a period of sixty (60) days without being claimed by the owner thereof, the property may be returned to the finder in the case of lost property, or to the owner of the location where found in the case of mislaid property, upon payment of notice, impounding and storage fees. Where the finder is a City employee on duty, where the owner of the location where the property was found makes no claim, or where the property owner is identified, the property shall be held until claimed or required to be processed in accordance with V.T.C.A., Property Code, Sections 72.101-72.403. Provided that nothing herein shall require the release of property subject to forfeiture, prohibited weapons, as defined by the Prohibited Weapons Articles of the Weapons Chapter of the Texas Penal Code, property the possession of use, sale, manufacture, transportation, repair or delivery of which is prohibited by law, or motor vehicles.

Section 5.04 Disposition of Property Seized

All property (abandoned, lost, mislaid, stolen or recovered), contraband, dangerous drugs or controlled substances (the possession, use, sale, manufacture, transportation, repair or delivery of which is prohibited by law), and other property seized as evidence in connection with an offense under any ordinance of the City or the Texas Penal Code or being held as evidence in any pending case, shall be disposed of under the provisions of the Texas Code of Criminal Procedure, Articles 18.18, 18.19, 47.01-47.11, and 59.01-

59.10; Chapters 481-485, Texas Health and Safety Code; and pursuant to procedures and policies of City, County, State or Federal law enforcement agencies. If said property is no longer held as evidence, it shall be disposed of under the provisions of Article 18.17, Texas Code of Criminal Procedure, and pursuant to procedures and policies of City, County, State or Federal law enforcement agencies.

Section 5.05 Purchasing Agent of City to Administer Disposition of Property

A. The Police Property Officer shall be the agent of the Purchasing Agent for the purposes of Article 18.17, Texas Code of Criminal Procedure, as they relate to storage and notices provided in Article 18.17(a), (b) and (c).

B. The Police Property Officer shall give to the Purchasing Agent of the City of Arlington a list of all property so impounded, and the Purchasing Agent shall administer the disposition of the property as herein provided.

Section 5.06 Property Unclaimed to be Sold

When any seized property is not claimed within thirty (30) days after being impounded, after compliance by the Police Property Officer with the provisions of Sections 5.04 and 5.05 hereof, the Purchasing Agent shall sell same at Public Auction in accordance with Article 18.17(d) and (e), or hold the property if required by Section 5.03, as appropriate. The law enforcement agency originally seizing the property may request and shall be given the property for agency use.

Section 5.07 Redemption/Claim

The owner or any person entitled to possession of such impounded personal property may:

A. Before sale. Redeem the property by paying to the Purchasing Agent the impounding fee and any other actual expenses incurred by the City in impounding, keeping and processing the impounded property, as determined by the Purchasing Agent.

B. After sale. Claim the proceeds within thirty (30) days from the sale of the property less the impounding fee and any other actual expenses incurred by the City in impounding, keeping and processing the impounded property, as determined by the Purchasing Agent.

ARTICLE VI JUNKED VEHICLES

Preamble - The City of Arlington believes that junked, abandoned, and/or legally unusable vehicles in public view are a detriment to the quality of life of Arlington residents and inhibit commerce. The presence of these vehicles erodes the integrity of the neighborhoods where they exist and undermines the safety, atmosphere and environment where family life and commerce takes place. (Amend Ord 99-133, 10/26/99)

Section 6.01 Authority

This article is adopted pursuant to the authority provided by the Texas Transportation Code, Chapter 683, Subchapter E, and any successor statutes, to establish procedures for the abatement and removal from private or public property or public right-of-way of a junked vehicle or part of a junked vehicle as a public nuisance.

Section 6.02 Definitions

"Antique Vehicle" shall mean a passenger car or truck that is at least 25 years old.

"Junked Vehicle" shall mean a vehicle that:

- (1) is self-propelled and
 - (a) does not have lawfully attached to it an unexpired license plate, or
 - (b) does have lawfully attached to it an unexpired license plate but does not have lawfully attached to it a valid motor vehicle inspection certificate; and
- (2) is:
 - (a) wrecked, dismantled or partially dismantled, or discarded, or
 - (b) substantially disfigured, damaged, or disintegrated, or
 - (c) ruined, destroyed or demolished; or
 - (d) inoperable and has remained inoperable for more than:
 - (i) seventy-two (72) consecutive hours, if the vehicle is on public property;
 - (ii) thirty (30) consecutive days if the vehicle is on private property. (Amend Ord 04-114, 12/20/04)

"Motor vehicle" shall mean any motor vehicle subject to registration pursuant to the Texas Certificate of Title Act.

"Motor vehicle collector" shall mean a person who owns one or more antique or special interest vehicles and who collects, purchases, acquires, trades, or disposes of special interest or antique vehicles or parts of them for his own use in order to restore, preserve, and maintain an antique or special interest vehicle for historic interest.

"Motor vehicle demolisher" shall mean any person in the business of converting motor vehicles into processed scrap or scrap metal, or to otherwise wreck or dismantle motor vehicles.

"Special interest vehicle" shall mean a motor vehicle of any age which has not been altered or modified from original manufacturer's specifications and, because of its historic interest, is being preserved by a hobbyist.

"Storage facility" shall mean a garage, parking lot, or any type of facility or establishment for the servicing, repairing, storing, or parking of motor vehicles.

Section 6.03 Junked Vehicles Declared a Public Nuisance

A junked vehicle, including a part of a junked vehicle, that is visible at any time of the year from a public place or public right-of-way is detrimental to the safety and welfare of the general public, tends to reduce the value of private property, invites vandalism, creates a fire hazard, is an attractive nuisance creating a hazard to the health and safety of minors, and is detrimental to the economic welfare of the City by producing urban blight which is adverse to the maintenance and continuing development of the City, and such vehicles are therefore declared to be a public nuisance. (Amend Ord 04-114, 12/20/04)

Section 6.04 Offense

- A. A person commits an offense if the person maintains a public nuisance described by Section 6.03 of this Chapter.
- B. An offense under this section is a misdemeanor punishable by a fine not to exceed Two Hundred and No/100 Dollars (\$200).
- C. The court shall order abatement and removal of the nuisance on conviction.

Section 6.05 Exceptions

The following vehicles or parts thereof are excepted from the provisions of this ordinance:

A. A vehicle or vehicle part which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property.

B. A vehicle or vehicle part which is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or junkyard, or that is an antique or special interest vehicle or part thereof stored by a motor vehicle collector on the collector's property, provided that the vehicle or part and the outdoor storage area, if any, are:

1. maintained in an orderly manner,
2. do not constitute a health hazard, and
3. are screened from ordinary public view by means of a fence, rapidly growing trees, shrubbery, or other appropriate means. (Amend Ord 04-114, 12/20/04)

C. An unlicensed, operable or inoperable antique or special interest vehicle or part thereof stored by a motor vehicle collector on the collector's property, provided that the vehicle or part and the outdoor storage area, if any, are maintained in such a manner that they do not constitute a health hazard and are screened from ordinary public view by means of a fence, rapidly growing trees, shrubbery, or other appropriate means.

Section 6.06 Procedure for Disposition of Junked Vehicles

The procedure for the abatement and removal of a junked vehicle or part thereof, as a public nuisance, from private property, public property, or public right-of-way shall be as follows:

A. After a determination is made by the Director of Neighborhood Services or his designee that a particular vehicle is a junked vehicle or after an order issued by the municipal court pursuant to Section 6.04(C), there shall be furnished not less than ten (10) days notice, stating the nature of the public nuisance on private property and that it must be removed and abated not later than the 10th day after the date on which the notice was personally delivered or mailed and further that a request for a hearing must be made before expiration of said ten (10) day period, such notice to be personally delivered or sent by certified mail with a five (5) day return requested, to the last known registered owner of the junked vehicle and all lien holders of record and to the owner or the occupant of the private premises whereupon such public nuisance exists. If the post office address of the last known registered owner of the nuisance is unknown, notice may be placed on the nuisance or, if the owner is located, personally delivered. If the notice is returned undelivered by the United States Post Office, official action to abate said nuisance shall be continued to a date not earlier than the 11th day after the date of such return. (Amend Ord 04-114, 12/20/04)

B. There shall be furnished not less than ten (10) days' notice, stating the nature of the public nuisance on public property or on public right-of-way and that it must be removed and abated not later than the 10th day after the date on which the notice was personally delivered or mailed and further that a request for hearing must be made before expiration of said ten (10) day period, such notice to be personally delivered or mailed by certified mail with a five (5) day return requested, to the last known registered owner of the junked vehicle and all lien holders of record and, if on public right-of-way, to the owner or occupant of the property adjacent to the public right-of-way whereupon such public nuisance exists. If the post office address of the last known registered owner of the nuisance is unknown, notice may be placed on the nuisance or, if the owner is located, personally delivered. If the notice is returned undelivered by the United States Post Office, official action to abate said nuisance shall be continued to a date not earlier than the 11th day after the date of such return. (Amend Ord 02-087, 8/6/02)

C. After a vehicle has been removed, it shall not be reconstructed or made operable.

D. There shall be a public hearing prior to the removal of the vehicle or part thereof as a public nuisance if such hearing is requested by the last known registered owner of the motor vehicle, or by any lien holder of record, or by the owner or occupant of the public or private premises, or by the owner or occupant of the premises adjacent to the public right-of-way on which said vehicle is located, or by the Police Department. The public hearing shall be held before the Director of Neighborhood Services of the City of Arlington, or his designee, not earlier than the 11th day after the date of the service of notice to abate the nuisance. At the hearing, the vehicle which is the subject of the junked vehicle hearing is presumed, unless demonstrated otherwise by the owner, to be inoperable. Any resolution or order requiring the removal of a junked vehicle or part thereof must include the vehicle's description, vehicle identification number, and license plate number if the information is available at the location of the nuisance. A Judge of the Municipal Court of the City of Arlington may issue necessary orders to enforce the procedures for the abatement and removal of a public nuisance under this Article. (Amend Ord 02-087, 8/6/02)

E. The relocation of a junked vehicle that is a public nuisance to another location within the City, after a proceeding for the abatement and removal of such junked vehicle has commenced, has no effect on the proceeding if the junked vehicle constitutes a public nuisance at the new location.

F. Notice must be given to the State Department of Highways and Public Transportation not later than the fifth (5th) day after the date of removal identifying the vehicle or part thereof. Said Department shall cancel the certificate of title issued for the vehicle immediately on receipt of such notice.

G. The administration of the procedures herein shall be by the Neighborhood Services Department and Police Department of the City of Arlington, Texas, and by such other regularly salaried, full-time City employees as may be from time-to-time granted authority by the City's governing body to enforce this ordinance, except that the removal

of junked vehicles or parts thereof from property may be by any duly authorized person.
(Amend Ord 02-087, 8/6/02)

H. A citation may be issued and a complaint may be filed in the Municipal Court of the City of Arlington for the violation of maintaining a public nuisance, if the nuisance is not removed and abated and a hearing is not requested within the ten (10) day period provided in Subsections (A) and (B). (Amend Ord 99-133, 10/26/99)

Section 6.07 Disposal of Junked (Inoperable) Vehicles

A junked vehicle or part thereof may be disposed of by removal to a scrapyard, a motor vehicle demolisher, or any suitable site operated by the City, for processing as scrap or salvage pursuant to authority provided in the Texas Transportation Code, § 683.078 or any successor statute for junked vehicle disposal.

Section 6.08 Authority to Enforce

Any peace officer, Code Enforcement officer or other regularly salaried, full-time City employee authorized to enforce this ordinance, may enter the public areas of any building or premises, not a private residence or dwelling, structure or completely enclosed structure on private property, at all reasonable times whenever necessary in the performance of his duties to inspect and investigate for violations of any law, or to enforce any law. The authority to inspect shall include but not be limited to the authority to examine vehicles or parts thereof, obtain information as to identity of vehicles and to remove or cause the removal of a vehicle or part thereof declared to be a nuisance. If such building or premises be occupied and involved in conducting business, he shall first present proper credentials and demand entry, unless otherwise permitted by law. If such entry is refused, or, if no owner or other person having charge or control of the building or premises can be located, he shall have recourse to every remedy provided by law to secure entry. (Amend Ord 84-112, 05/15/84)

Section 6.09 Effect of Act on Other Laws

Nothing in this Article shall affect laws that permit immediate removal of a vehicle left on public property which constitutes an obstruction to traffic, or laws that establish procedures for taking possession of abandoned motor vehicles.

(Amend Ord 99-41, 03/23/99)

ARTICLE VII
PARKING OF VEHICLES

Section 7.01 **Definitions**

- A. All-weather parking facility means asphalt or concrete paving suitable for vehicle parking.
- B. Screening fence means a barrier at least six feet (6') in height of stone, brick, pierced brick or block, uniformly colored wood or other permanent material which forms a visual barrier of equal character, density and design; provided, however, any such structure in excess of eight feet (8') in height shall be deemed a wall subject to the provisions of the Building Code of the City of Arlington. For the purposes of this Article, a vehicle shall be deemed to be screened from view when it is behind a screening fence.
- C. Side yard shall refer to the area behind an imaginary line extending perpendicularly from the front corner of the residential structure to the side lot line, extending to an imaginary line perpendicular to the side lot line which touches the back corner of the residential structure closest to the side lot line at which point the "rear yard" begins.
- D. Rear yard shall refer to that area of a lot circumscribed by the back lot line, the side lot lines extending to imaginary lines perpendicular from the back corners of the residential structure, and the back side of the residential structure.

Section 7.02 **Parking Vehicles**

- A. Except as otherwise provided in this Section, it shall be unlawful for any person to park or to cause, suffer, maintain or allow to be parked upon any property under his control any automobile, truck, bus, motorcycle, motorhome, camper, trailer, truck tractor, road tractor, semi-trailer, pole trailer, boat or mobile home, on any yard including driveways:
1. in front of,
 2. on the side yard of, or
 3. on the rear yard of
- any single family residence, duplex or townhouse, or upon any property zoned "R", "R-1", "T" or "D".

B. Exceptions: 7.02(a) shall not apply: to automobiles, trucks, and vans, which have a carrying capacity of four thousand (4,000) pounds or less; to motorhomes, campers, and trailers, which have a length of less than thirty (30) feet; and to motorcycles and boats:

1. when parked upon an all-weather parking facility; or
2. when parked on any side yard when such vehicle is screened from view from any public street by a screening fence; or
3. when parked on any rear yard which is not adjacent to one or more street corners;
or
4. when parked on any rear yard when such vehicle is screened from view from any public street by a screening fence.

Section 7.03 Public Parking of Vehicle for Sale Prohibited

A. Definitions

"Vehicle for Sale" means any motor vehicle, boat, trailer, jet ski, recreational vehicle, camper or other vehicle (collectively called "vehicle" or "vehicles") having displayed thereon any writing or signage indicating such vehicle is for sale.

"Unauthorized location" means any area where a Vehicle for Sale is parked when that area does not have both a certificate of occupancy issued by the City of Arlington for the sale of vehicles and a license from the Texas Department of Transportation for the sale of vehicles at that location.

B. Vehicle for Sale Parked in Unauthorized Location Declared a Public Nuisance

A Vehicle for Sale, when parked in an unauthorized location where it is visible from a public place or public right-of-way:

1. is detrimental to the safety and welfare of the general public,
2. tends to attract attention of passers-by on roadways where slowing traffic presents a hazard to motorists and to pedestrians,
3. leads drivers to enter onto the premises where the Vehicle for Sale is parked even when no legitimate paved access exists,
4. invites customer inspection in unprotected settings where inspection may be unsafe near moving traffic lanes,

5. contributes to a proliferation of vehicles parked in areas not generally designed for parking, such as vacant lots and other unpaved areas,

6. entices further misuse of an unauthorized location, paved or unpaved, for vehicle sales by other persons with Vehicles for Sale,

7. produces deleterious effects on the exercise of lawful vehicle sales at legitimate, authorized locations,

8. produces urban blight which is adverse to the maintenance and continuing development of the City, and

such Vehicles for Sale are therefore declared to be a public nuisance.

C. Offense

1. A person commits an offense when the person maintains a public nuisance described in Section 7.03(B):

a. by parking the Vehicle for Sale at the unauthorized location, or

b. by having ownership, care, custody or control of the unauthorized location where the Vehicle for Sale is parked.

2. An offense under this section is a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500).

3. The Court shall order abatement and removal of the nuisance on conviction.

4. In a prosecution under this section, it is presumed that the registered owner of the Vehicle for Sale is the person who parked the Vehicle for Sale at the time and place the offense occurred.

D. Exemptions

The provisions of this ordinance do not apply to a Vehicle for Sale parked in a lawful manner in the course of its normal use as a means of transportation:

1. upon the premises of or immediately adjacent to a single-family residence if the vehicle is registered to, owned or operated by the owner or legal occupant of the single-family residence; or

2. in a permitted parking space at a multi-family housing facility if the vehicle is registered to, owned by or operated by the owner or legal occupant of a unit in the multi-family housing facility; or

3. in the parking area of a commercial establishment or place of business when the driver is then and there employed and working or is then and there transacting business at the establishment or business. (Amend Ord 99-154, 12/14/99)

ARTICLE VIII GRAFFITI

Preamble - The City of Arlington recognizes that graffiti is a blight upon our community and brings with it the possibility of violence for youths and adults alike. The City further recognizes that it is only through a cooperative effort of our citizens that graffiti, and its resultant negative effects, can be controlled. This ordinance is passed with the understanding that the body charged with enforcing the ordinance will make every reasonable effort to abate the problem through cooperative efforts. The punitive measures of this ordinance will only be used as a last resort, when all reasonable alternatives have been exhausted.

Section 8.01 General Provisions

The following terms and phrases, as used in this Chapter unless the context clearly shows otherwise, shall have the following meanings:

"Aerosol Paint" - An aerosolized paint product, including a clear or pigmented lacquer or finish.

"Graffiti" - Any unauthorized inscription, word, signature, symbol, design or other marking of any sort which is etched, written, painted, drawn or applied in any other way to any structure, building or property of any sort or to any portion or element therefor, whether the property is public or private.

"Guardian" - A person who, under court order, is the guardian of the person of a minor; or a public or private agency with whom a minor has been placed by a court.

"Minor" - Any person under seventeen (17) years of age.

"Owner" - Any person with the legal right of possession to tangible property which includes, but is not limited to the actual owner or his lessee.

"Parent" - A person who is a natural parent, adoptive parent or stepparent of another person.

"Unauthorized" - Without the permission of the owner or person in control of property, whether public or private.

Section 8.02 Graffiti Removal Requirement

A. **Owner Responsibility.** An owner of any tangible property in the City commits an offense if he or she fails to remove all graffiti from the property that is visible from any public property or right-of-way or from any private property other than the property on which the graffiti exists, unless the graffiti was created on the property with the owner's consent and does not violate the sign regulations of the City of Arlington or any other applicable City ordinance or state or federal law.

B. **Notice of Requirement to Remove Graffiti.** Prior to issuance of a citation issued for failure of a person to remove graffiti from property under his or her control, the owner must be given notice of the violation. Notice may be made personally to the owner in writing, by letter addressed to the owner's mailing address or by publication in the newspaper of general circulation in the City of Arlington at least twice within ten (10) consecutive days, if personal service cannot be obtained or the owner's mailing address is unknown. Citation for a violation of Section 2.01 may be issued fourteen (14) calendar days after notification of the violation. Notice will be deemed to have occurred as of the day the notice was given personally to the owner, or three (3) days after written notice was mailed to the owner, or if notice is by publication, on the date that the second or last notice is published in the newspaper of general circulation of the City of Arlington.

Notice shall be sufficient if it states the following regarding the offense: Date, physical location denoted by street address, name of owner, notation of the violation of the graffiti article of the Nuisance Chapter of the Code of the City of Arlington.

C. **Owner's Responsibility.** Once provided notice by the City, an owner shall have the option of arranging graffiti removal himself, or he may request assistance through the City's volunteer program, as set out in Section 8.02(E) of this ordinance. The request shall be in writing and directed to the Chief of Police. All time limits, as set forth in Subsections 8.02(B) and (F) of this ordinance, shall apply.

D. **Request for Extension of Time.** Once the owner has received notice and arranged for clean-up, either personally or through the volunteer program, the owner may request, in writing, an extension of time. The request shall be directed to the Chief of Police and must set out the reasons for the delay. The request must be received prior to the expiration of the fourteen (14) day period set out in Subsection 8.02(B). The Chief shall be authorized to grant one (1) fourteen (14) calendar day extension.

E. Prerequisite For The City: Volunteer Assistance

The Chief of Police shall be responsible for establishing a written policy to address a volunteer program for graffiti removal.

The policy shall address the following issues:

1. That all resources available shall be utilized to assist those who ask for help. All requests for assistance must be in writing and directed to the Chief of Police. Requests may be delivered to the main police station, or sent via U.S. mail.

2. That the volunteer program will make every reasonable effort, relying on donated materials only, to restore the property to its condition immediately preceding the application of the graffiti. The program will only address the actual graffiti damage; it will not address collateral damage of any type.

3. That the volunteer program specifically prohibits the use, unless a written waiver is submitted by the property owner, of any volunteer who is currently on probation or deferred adjudication or deferred prosecution or community supervision for a Class B misdemeanor offense or greater offense.

4. That the property owner, by signing a written waiver of liability, states he is aware that volunteers, as described in Subsection 8.02(E)(3) above, are available, and he affirmatively consents to their presence on his property, understanding that they will not be supervised by City employees and agrees to hold harmless the City for any conduct, act or omission by said volunteers.

F. **Responsibility of Owner to Arrange Removal.** It shall be the responsibility of the property owner to coordinate with the volunteer(s) an appropriate time for the removal of the graffiti, within the time limits established by this ordinance.

G. **City Liability.** The City of Arlington or its employees shall not be liable for any aspect of the work performed by volunteers, pursuant to this section, nor shall the City or its employees be liable for the conduct of any person performing work, pursuant to this section or for any accident, mishap or misfortune that occurs to any person(s) participating in the volunteer assistance program.

H. **Computation of Time.** The fourteen (14) calendar days will be counted:

1. From the date the notice is personally served on the owner or from the sixth (6th) day after the notice is placed in the United States mail; or

2. If the owner cannot be found or the notice is returned by the United States Postal Service, from the date the notice is published for the second time, in accordance with Section 2.01(B) of this Article.

3. The fourteen (14) day extension, if granted, shall commence immediately upon the expiration of the preceding fourteen (14) day period, as calculated above.

Section 8.03 Responsibility Of Parent Or Guardian For Graffiti Created By Minor

A. **Permitting or Allowing Minor to Create Graffiti.** A parent or guardian of a minor commits an offense if he or she intentionally, knowingly, recklessly or with criminal negligence permits the minor to create graffiti on tangible property in the City without the property owner's consent.

Section 8.04 Possession Of Aerosol Paint By Minor

A. **Possessing Aerosol Paint.** It shall be unlawful for a minor to possess aerosol paint of any sort or character.

B. **Affirmative Defense.** It shall be an affirmative defense to a violation of Section 8.04 A. that, at the time of possession, the minor was accompanied or supervised by a parent or guardian, a teacher in connection with a bona fide school project, a supervisor during the minor's regular employment, or that the minor possessed the aerosol paint on the property on which he or she lives or that the possession occurred as part of an organized event sponsored or supervised by the City, a school, a church or some other officially recognized entity.

Section 8.05 Enforcement

A. **Enforcement.** It shall be the duty of the Chief of Police to enforce this ordinance. Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined an amount not to exceed **Five Hundred and No/100 Dollars (\$500.00)** for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

B. **Affirmative Defenses.** It is an affirmative defense to prosecution under Section 8.02(A) of this Article that:

1. No notice was served on the property owner, in compliance with Section 8.02(B)(C);

2. The property owner has removed graffiti from that particular property three (3) or more times within the preceding twelve (12) months; or

3. Before being issued a citation under this section, the property owner gave the Chief of Police written authorization to allow persons to enter onto the property and remove the graffiti, pursuant to a volunteer or community service program approved by the Chief of Police in which the property owner is eligible to participate.

(Amend Ord 94-154, 11/15/94)

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