

RESOLUTION NO. 05-04

A RESOLUTION OF THE COUNCIL OF THE CITY OF MARICOPA, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND ENTITLED "ALARM SYSTEM CODE OF THE CITY OF MARICOPA," RELATING TO THE REGULATION OF ALARM SYSTEMS AND PROCEDURES TO HELP ELIMINATE, REDUCE OR RECOVER THE COSTS INCURRED BY THE CITY DUE TO FALSE ALARMS WITHIN THE CITY OF MARICOPA

WHEREAS, the Public Safety Committee of the City of Maricopa has recommended that the City adopt a comprehensive Code regulating alarm systems, devices and services in order to help ensure that law enforcement within the City will not be unduly diverted from responding to actual criminal activity by responding to false alarms; and

WHEREAS, the Public Safety Committee of the City of Maricopa has also recommended that the City adopt, as part of that Code, a mechanism to help recover costs incurred by law enforcement in responding to multiple false alarms; and


WHEREAS, the Council believes that declaring such document a public record and adopting its provisions by reference will be in the City's best interests;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Maricopa, Arizona as follows:

That certain document known as the "**ALARM SYSTEM CODE OF THE CITY OF MARICOPA**" relating to the establishment of procedures and regulations regarding alarm systems, devices and services and establishing a cost recovery fee therein, is hereby declared to be a public record and three (3) copies shall remain on file in the office of the City Clerk of the City of Maricopa for examination by the public.


PASSED AND ADOPTED by the City Council of the City of Maricopa, Arizona this 18th day of January, 2005.

APPROVED:



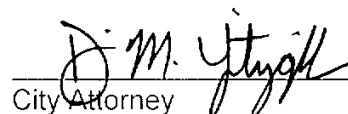
Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:



City Attorney

ALARM SYSTEM CODE OF THE CITY OF MARICOPA

10-4-1	Purpose and Intent
10-4-2	Applicability
10-4-3	Definitions
10-4-4	Alarm Business Duties
10-4-5	Alarm User Duties
10-4-6	Proprietor's Alarm Responsibilities
10-4-7	Alarm User's Permits Required
10-4-8	Prohibition of Automatic Dialing Devices
10-4-9	Cost Recovery Fee
10-4-10	False Alarms: Penalty Assessment and Permit Revocation
10-4-11	General Regulations
10-4-12	Removal of Non-Compliant Equipment
10-4-13	Violations and Penalties
10-4-14	Right to Privacy
10-4-15	Appeal Procedures
10-4-16	Liability Limited
10-4-17	Governmental Immunity

10-4-1 PURPOSE AND INTENT

(A) This Code is intended to encourage improvement in the reliability of alarm systems, devices and services and to insure that law enforcement will not be unduly diverted from responding to actual criminal activity as a result of responding to false alarms.

(B) This Code governs "burglary," "panic" and "robbery" or "holdup" alarms, both audible and inaudible which are intended to summon law enforcement response and requires alarm permit registration, provides for a fee schedule to be adopted, provides for penalties for violations, establishes a system of administration and sets conditions for revocation of permits, and if necessary, suspension of law enforcement response.

(C) The purpose for imposing fees for False Alarm Violations is to reimburse the City's law enforcement division for costs incurred due to repetitive False Alarm calls. Permit Fees will offset the costs incurred by City law enforcement in providing Alarm Permits and program enforcement.

10-4-2 APPLICABILITY

This Code addresses those persons who purchase, lease or rent and those persons who own or conduct the business of selling, leasing, renting, maintaining or monitoring alarm systems, devices or services. The provisions of this Code shall not apply to alarm systems owned by City, County, State or Federal governments when said systems are utilized on premises owned, operated and installed by the respective City, County, State or Federal Government. The provisions of this Code shall not apply to audible fire alarms or audible alarms affixed to automobiles.

10-4-3 DEFINITIONS

Except where otherwise indicated by the context, the following definitions shall apply in the interpretations and enforcement of this Code:

ACT OF NATURE: An unusual, extraordinary, sudden and unexpected manifestation of the forces of nature, the effects of which cannot be prevented by reasonable human care, skill or foresight.

ALARM OR ALARM SYSTEM: Any mechanical or electrical device which is used to detect unauthorized entry into buildings or onto premises or for alerting others of an emergency or of the commission of an unlawful act within buildings or on premises.

ALARM AGENT: Any person who is employed by an alarm business, either directly or indirectly, whose duties include any of the following: maintaining, servicing, or repairing any alarm or alarm system in or on any building, place, or premises. Any person whose duties consist solely of resetting an alarm following activation is not an alarm agent.

ALARM BUSINESS: Any person, firm or corporation, which is in the business of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, installing, or monitoring an alarm or alarm system in or on any building, structure, or facility.

ALARM COORDINATOR: The City's law enforcement department or other individual or department designated by the City Manager or City Council to enforce the provisions of this Code.

ALARM PERMIT: Written authorization granted by the Alarm Coordinator to an Alarm User to operate an Alarm System.

ALARM SITE: Any single fixed premises or location served by an Alarm System or Systems. Each unit, if served by a separate Alarm System in a multi-unit building/complex, shall be considered a separate Alarm Site.

ALARM USER: Any person or business who (which) leases, rents, purchases, or uses any monitored or proprietor alarm, alarm system, device, or service.

AUDIBLE ALARM: A device designed for the detection of an unauthorized entry of premises and which, when activated, generates an audible sound on the premises.

AUTOMATIC DIALING DEVICE: A device which is interconnected to a telephone line and is programmed to select a predetermined telephone number and transmit an emergency message indicating a need for emergency response, either by voice methods or code signal or by maintaining an open line with emergency services.

COST RECOVERY FEE: An assessment for the recovery of costs incurred by the City's law enforcement department in responding to false alarm activations.

FALSE ALARM: An alarm signal or message indicating an emergency causing a law enforcement official to respond and, upon investigation, the official finds no evidence of a criminal offense or attempted criminal offense. Excluded from this definition are:

(A) Alarms occurring as a result of "acts of nature;" or

(B) Any disruption of the telephone circuit beyond the control of the Alarm Company and/or Alarm User; or

(C) Electrical power disruption or failure; or

(D) Alarms caused by failure of the equipment at the Monitoring Station.

FALSE HOLDUP/ROBBERY ALARM: Any signal manually activated indicating a robbery or holdup in progress, but is not the result of a robbery, holdup or any exclusion from the False Alarm definition listed above.

MONITORED ALARM: A device designed for the detection of an unauthorized entry into premises and which, when activated, generates an inaudible signal to a monitoring station. A monitored alarm may also generate an audible sound on the premises.

MONITORING STATION: Any person in the business, or a business providing monitoring services who (which) will notify the City's law enforcement department of an emergency.

PANIC ALARM: An Alarm System signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring law enforcement response.

PERSON: An individual, firm, partnership, joint venture, association, corporation, estate, trust, or any other group or combination acting as a unit and the plural as well as the singular number.

PROPRIETOR ALARM: Any alarm or alarm system which is not leased or rented from or owned or maintained under contract by an alarm business.

10-4-4 ALARM BUSINESS DUTIES

The duties of an Alarm Business shall be as follows:

- (A) To ensure the Alarm User is provided with a copy of the Alarm Permit assigned to premises prior to installation or sale of any Alarm System.
- (B) To install and be available to maintain the Alarm or Alarm System in good working order and to take reasonable measures to prevent the occurrence of False Alarms.
- (C) To instruct each of its Alarm Users and/or the principal occupants of the buildings or premises protected by an Alarm System in the proper operation of the system. Such instruction will specifically include all necessary instructions in turning the system on and off and in avoiding False Alarms.
- (D) Upon leasing or renting an Alarm System:
 - 1. To conspicuously place on the premises a tag identifying the Alarm Business, including a telephone number to call when the Alarm has been activated.
 - 2. To maintain current records of the location of Alarm Systems, devices, or services and the name and telephone number of the persons and alternates to be notified whenever the Alarm is activated.

3. To *inactivate* any audible Alarm within twenty (20) minutes of the notification of its activation.
- (E) Upon monitoring an Alarm System:
1. To establish a Monitoring Station in order to monitor these Alarm Systems.
 2. To organize its Monitoring Station in order to be able to readily and positively identify the type of Alarm, i.e., burglary, robbery/holdup or panic, and the location of the Alarm(s) if there is more than one (1) System.
 3. To maintain current records as to each of these Alarms or Alarm Systems, which shall include the Alarm Permit number, the name of the owner or occupant of the premises, the name and telephone number of the user or primary person and at least two (2) alternates responsible or responding to the premises when the Alarm is activated, and information concerning whether the Alarm System includes an audible Alarm.
 4. To provide law enforcement the Alarm Permit number for the premises, residence, or location of the Alarm activation at the time law enforcement is dispatched.
 5. To arrange for either the Alarm User, Alarm Agent, or other responsible representative to go to the premises of an activated Alarm System in order to assist law enforcement in determining the reason for activation and securing the premises. In no event shall the Alarm User, Alarm Agent, or other responsible representative be unreasonably delayed in arriving at the location of the Alarm. (A time period of up to one [1] hour from the time of the call to the City's law enforcement department is deemed reasonable). In the event that the responding officer departs from the Alarm Site prior to the arrival of the Alarm User, Alarm Agent, or other responsible representative, the Alarm User, Alarm Agent, Alarm Business, or proprietor may document their required response through telephonic notification to the Alarm Coordinator upon their arrival at the Alarm Site. In the event this requirement is *not met* and law enforcement are unable to determine the cause of the Alarm activation, such activation shall be deemed a False Alarm.
- (F) To cease responsibility for an Alarm System pursuant to this Code, the Alarm Business shall promptly notify the Alarm Coordinator in the event the Alarm Business ceases to lease, rent, maintain, service, or monitor any alarm system. Said notice that the Alarm Business is no longer providing service shall be sent to the Alarm Coordinator within ten (10) days of termination of service.
- (G) Alarm Businesses which sell Alarms but do not monitor, maintain, lease, service, or install Alarms or Alarm Systems shall not be subject to Subsections (B) and (E) of this Section but shall be responsible for *instructing each person who purchases* an Alarm or Alarm system in the proper use and operation of the Alarm. Each instruction will specifically include all necessary instructions in turning off said Alarm(s) and in avoiding False Alarms.

10-4-5 ALARM USER DUTIES

The duties of an Alarm User shall be:

- (A) To obtain an Alarm Permit prior to installation or purchase of any Alarm System.
- (B) To inform persons who are authorized to place the Alarm System into operation of the provisions of this Code, emphasizing the importance of avoiding False Alarms. A current copy of the provisions of this Code shall be maintained on the premises and be made available to persons who are authorized to install an Alarm System into operation.
- (C) To obtain a new permit within ten (10) days if the Alarm User moves to another location. Any other change in the Alarm User's service shall be sent to the Alarm Coordinator within ten (10) days of the change.
- (D) To respond immediately in person or via designated responsible party, to the Alarm System's location when the Alarm is activated or as requested by law enforcement in order to:
 - (1) deactivate an Alarm System;
 - (2) provide access to the Alarm Site and/or;
 - (3) provide alternative security for the Alarm Site.

10-4-6 PROPRIETOR'S ALARM RESPONSIBILITIES

The duties of a proprietor shall be as follows:

- (A) To be familiar with the provisions of this Code and to obtain an Alarm Permit from the Alarm Coordinator prior to installation or purchase of any Alarm System.
- (B) To maintain the Alarm or Alarm System in good working order and take reasonable measures to prevent the occurrence of False Alarms.
- (C) To notify the Alarm Coordinator of the name, address, and telephone number of the primary person and at least two (2) alternates to be notified in case the Alarm is activated, and law enforcement is called to respond.
- (D) To deactivate the Alarm System within twenty (20) minutes of notification of its activation.

10-4-7 ALARM USER PERMIT REQUIRED

- (A) Each Alarm User shall obtain an Alarm Permit from the Alarm Coordinator for each Alarm System. Alarm Permits must be obtained from the Alarm Coordinator's Office within sixty (60) days from the effective date of this Code. The Application for an Alarm Permit provided by the Alarm Coordinator must include (2) two alternate parties to respond in the event of an alarm activation. The Application shall include a "Permit Fee" as set forth in a Cost Recovery Fee Schedule established by Resolution. An Alarm Permit must be available within the premises

protected by the alarm and available for inspection by the law enforcement official when responding to an Alarm activation. Alarm Permits are not transferable from one user to another user or from one address to another address.

- (B) Each Alarm User shall renew their permit yearly, verify that the Alarm System remains active and that the information provided on the Application remains current at all times.
- (C) Failure to obtain an Alarm Permit and/or failure to renew the Alarm Permit on a yearly basis will result in a civil penalty for violation of this Code. Penalties for violations of this section shall be imposed for each Alarm activation which occurs while the Alarm System is operated without a permit. These civil penalties are in addition to the Cost Recovery Fee imposed for False Alarm Violation(s).

10-4-8 PROHIBITION OF AUTOMATIC DIALING DEVICES

- (A) No person shall use or cause to be used any Automatic Dialing Device or telephone attachment that directly or indirectly causes a telephone connection to any law enforcement agency to be utilized and then reproduces a prerecorded message or signal or otherwise maintains an open line without direct person-to-person communication or prevents termination of a call.
- (B) Within sixty (60) days after the effective date of this Code all existing Automatic Dialing Devices programmed to select a public agency telephone line and then reproduce any prerecorded message or signal must be disconnected.

10-4-9 COST RECOVERY FEE

- (A) A Cost Recovery Fee for responding to False Alarms shall be imposed pursuant to this Section. A fee schedule for recovery of costs incurred by the City's law enforcement department in responding to False Alarms shall be adopted by Resolution.
- (B) Cost Recovery Fees shall become due and payable upon receipt of the "Notice of Violation," which shall be sent to the Alarm User at the address set forth on the permit or other address at which the Alarm User may be located or any False Alarm is responded to. Payment may be mailed to the office of the Alarm Coordinator or made in person at the time of the Hearing as set forth on the "Notice of Violation."

10-4-10 FALSE ALARMS: PENALTIES AND PERMIT REVOCATIONS

- (A) Any Alarm System which has more than three (3) false burglary alarms and/or one false (1) panic alarm within a permit year shall subject the Alarm User to fees for recovery of costs. Any Alarm System which has ten (10) or more false alarms within a permit year shall also be subject to permit revocation.
- (B) In the event of more than three (3) false burglary alarms and/or one false (1) panic alarm within a permit year for any Alarm System, the Alarm Coordinator shall notify the Alarm User of the violation, the imposition of the Cost Recovery Fee and a right to hearing to contest the violation before a Hearing Officer designated by the City.

- (C) In the event of ten (10) or more false alarms within a permit year for any Alarm System, the Alarm Coordinator shall notify the Alarm User of an Excessive False Alarm Violation by certified mail and shall direct that the Alarm User, within ten (10) days of receipt of this notice, submit a report to the Alarm Coordinator describing the actions taken to eliminate the False Alarms. A copy of the notification shall be sent to the Alarm Business or Agent providing service to the Alarm User.
- (D) Upon receipt of the Alarm User's report detailing the corrective measures taken, the Alarm Coordinator shall determine whether or not the Alarm Permit shall be revoked. In the event of subsequent False Alarm(s) within the permit year, the permit may be summarily revoked.
- (E) If no report is submitted or if the Alarm Coordinator determines that the actions taken will not prevent the reoccurrence of False Alarms, the Alarm Coordinator shall give notice by certified mail to the Alarm User that the Alarm Permit is revoked effective ten (10) days from the date of the notification.
- (F) If the Alarm User fails to pay the Cost Recovery Fee or any other penalties, fees, or costs imposed in accordance with this Code and/or the Fee/Penalty Schedule within the time provided, the Alarm Permit shall be revoked and late penalties set forth in the Fee schedule, if any, may be assessed. The Alarm Coordinator shall give notice by certified mail to the Alarm User that the Alarm Permit is revoked effective ten (10) days from the date of the notification.
- (G) An Alarm User whose permit has been revoked shall be immediately furnished written notification by certified mail of such revocation and shall within ten (10) days after the furnishing of such written notification discontinue the use of the Alarm System with respect to which a permit has been revoked. It shall be a violation of this Code for any Alarm User to fail to disconnect such System within ten (10) days after written notification has been furnished advising the Alarm User of the revocation of the Alarm Permit. Failure to disconnect the Alarm System shall subject the Alarm User to a penalty, in addition to the Cost Recovery Fee, pursuant to the Fee/Penalty Schedule.
- (H) Notice shall be effective if the same is mailed to the Alarm User at the address furnished to the Alarm Coordinator on the Permit Application Form or at such other address as the Alarm User may subsequently furnish in writing to the Alarm Coordinator, or such notice shall be effective if mailed to the Alarm Business at the address provided to the Alarm Coordinator in connection with the filing of Alarm User instructions or, alternatively, to the last known address of said Alarm Business. Any notice required hereunder shall be effective on the tenth (10th) day after the notice has been deposited in the United States mail with sufficient postage attached.
- (I) An Alarm User whose Alarm Permit has been revoked may have it reinstated by paying all fees and/or penalties, submitting a corrective report detailing the corrective action taken with verification of inspection for malfunctions attached, and payment of a reinstatement fee.

10-4-11 GENERAL REGULATIONS

- (A) Each Alarm User shall certify on each Permit Application that the Alarm System(s) is/are functioning properly.
- (B) It is a violation of this Code for any person to intentionally activate an alarm for any reason other than to summon a response to an emergency or to warn of an unauthorized entry into an alarm-protected premises. Notwithstanding any provision of this Code, intentional activation of any alarm for purposes other than those lawfully prescribed or permissible may also be a violation of applicable sections of the Arizona Revised Statutes, and may carry civil and/or criminal sanctions of punishment. This Subsection shall not apply to the testing of Alarm Systems when the testing has been done in accordance with the prescribed guidelines set forth by the Alarm Coordinator and when the Alarm Coordinator has been given advance notice of such testing.

10-4-12 REMOVAL OF NON-COMPLIANT EQUIPMENT

In addition to any other remedy provided by law, the City's law enforcement department may, upon obtaining knowledge of the use of any device or attachment not operated or maintained in accordance with the provisions of this Code, obtain an order for the removal of such device or attachment, without liability to the City. All Alarm Systems and components must comply with the provisions of the City of Maricopa Building Code.

10-4-13 VIOLATIONS AND CIVIL PENALTIES

It shall be a violation of this Code for an Alarm User to install an Alarm System for use within the City without first obtaining an Alarm Permit. Further, it shall be a violation of this Code for any Alarm User to fail to disconnect an Alarm System after the revocation of an Alarm User's Permit. Civil penalties for violating these provisions shall be set forth in the Fee Schedule.

10-4-14 RIGHT TO PRIVACY

Information provided pursuant to this Code shall be maintained for use by the City's law enforcement department and not made available to the public without the authorization of the applicant or order of the Court. Neither the City nor any other governmental entity contracting with the City to provide services shall be subject to liability in the event that information provided to the City's law enforcement is inadvertently released.

10-4-15 APPEAL PROCEDURES

Upon conclusion of the hearing and final decision of the Hearing Officer, the ruling of the Hearing Officer may be appealed by submitting written notice, within ten (10) days after final decision, to the City Manager of the City of Maricopa and to the Hearing Office. Timely submitted appeals will be heard and decided by the City Council as soon as practicable.

10-4-16 LIABILITY LIMITED

The City's law enforcement department shall take reasonable precaution to assure that Alarm notifications received are given appropriate attention and are acted upon with dispatch. Nevertheless, neither the City nor its agents or employees shall be liable for any failure or neglect to respond upon receipt of an Alarm notification or the failure or neglect of any person with a license issued pursuant to the Code or with a franchise in connection with a license issued pursuant to the Code or with a franchise in connection with the installation and operation of equipment, the transmission of alarm signals, or the relaying of such signals and messages. In the event the Alarm Coordinator revokes the Alarm User's Permit or causes the disconnection of an alarm device, the City, its agents and employees shall incur no liability resulting from such action.

10-4-17 GOVERNMENTAL IMMUNITY

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