RESOLUTION NO. 18-22

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF MARICOPA, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND ENTITLED "2018 AMENDMENTS TO ARTICLE 10-4 – ALARM SYSTEMS" RELATING TO THE ESTABLISHMENT OF RULES AND REGULATIONS FOR ALARM SYSTEMS WITHIN THE CITY OF MARICOPA AND AMENDING ARTICLE 10-4 OF THE MARICOPA CITY CODE.

WHEREAS, the City Council previously adopted Ordinances which establish rules and regulations for alarm systems within the City of Maricopa; and

WHEREAS, staff for the City has provided some amendments to those Ordinances to ensure alarm users are educated regarding their obligation, to simplify the alarm permitting process, to reduce the number of false alarm calls requiring a police response, to ensure access to responsible account information for contact when necessary and to increase officer and citizen safety; and

WHEREAS, the City 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 City Council of the City of Maricopa, Arizona as follows:

That certain document known as "2018 Amendments to Article 10 -4 – Alarm Systems" amending Article 10-4 of the previously adopted City Code relating to the establishment of rules and regulations for alarm systems operating within the City of Maricopa, is hereby declared to be a public record, and a copy 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 4th day of September, 2018.

APPROVED:

Christian Price
Mayor

00039218

ATTEST:

Vanessa Bueras, CMC
City Clerk

APPROVED AS TO FORM:

Denis Fitzgibbons
City Attorney

CITY OF MARICOPA INCORPORATED 2003 MARICOPA, ARIZONA

2018 AMENDMENTS TO ARTICLE 10–4
ALARM SYSTEMS

CITY OF MARICOPA, ARIZONA

ARTICLE 10-4. ALARM SYSTEMS

(a) DEFINITIONS

The following words, terms and phrases, when used in this ordinance, shall have the following meanings ascribed to them:

Alarm Administrator means a person or persons designated by the Police Department to administer, control and review false alarm reduction efforts and administers the provisions of this ordinance.
Alarm Appeals Officer means the person(s) designated by the City Manager to hear and decide appeals related to service fees and registration suspensions.
Alarm Company means a person subject to the licensing requirements, and/or a company engaged in selling, leasing, installing, servicing or monitoring alarm systems as defined by Arizona Revised Statue 32-101.
Alarm Permit means an annual permit issued by the City, allowing the operation of an alarm system within the City, whether the alarm is monitored or not.
Alarm Signal means a detectable signal; audible or visual, generated by an alarm system, to which law enforcement is requested to respond.
Alarm System means any single device or assembly of equipment designed to signal the occurrence of an illegal or unauthorized entry or other illegal activity requiring immediate attention and to which law enforcement is requested to respond. Alarm System does not include motor vehicle or boat alarms, fire alarms, domestic violence alarms, or alarms designed to elicit a medical response.
Alarm User means any person, corporation, partnership, proprietorship, governmental or educational entity or any other entity owning, leasing or operating an alarm system, or on whose premises an alarm system is maintained for the protection of such premises.
Cancellation means the process where response is terminated when the Alarm Company notifies the department that there is not an existing situation at the alarm site requiring police response after an alarm dispatch request. If cancellation occurs prior to police arriving at the scene, this will not be considered a False Alarm for the purpose of civil/criminal penalty, and no penalty will be assessed.
City means the City of Maricopa or its agent.
Dual-Activation Panic Device means a device installed by an Alarm Company for accounts requiring the function of a silent Robbery/Holdup Alarm capability. The device should require that two buttons be depressed together, one button that is recessed and must be pushed and held, two bill traps wired in parallel or any device that requires two actions to be activated to activate a signal of a robbery or holdup in progress.

Enhanced Call Verification an attempt to verify by calling the alarm site and or Alarm User by telephone, to determine whether an Alarm Signal is valid before requesting police response from dispatch.

False Alarm means the activation of an Alarm System through mechanical or electronic failure, malfunction, improper installation, or the negligence of the Alarm User, his/her employees or agents, and signals activated to summon law enforcement personnel unless law enforcement response was cancelled by the user's Alarm Company before law enforcement personnel arrive at the alarm location. An alarm is false within the meaning of this article when, upon inspection by the Maricopa Police Department, evidence indicates that no unauthorized entry, robbery, or other such crime was committed or attempted in or on the premises which would have activated a properly functioning Alarm System. Notwithstanding the foregoing, a False Alarm shall not include an alarm which can reasonably be determined to have been caused or activated by unusually violent conditions of nature nor does it include other extraordinary circumstances not reasonably subject to control by the Alarm User.

Local Alarm means an Alarm System that emits a signal at an alarm site that is audible or visible from the exterior of a structure and is not monitored by a remote monitoring facility, whether installed by an Alarm Company or user.

Panic Alarm means an audible Alarm Signal generated by the manual activation of a device intended to signal a life-threatening or emergency situation, requiring law enforcement response.

Permit Year means a twelve (12) month period beginning on the day and month on which an Alarm Permit is issued.

Responsible Party means a person capable of appearing at the alarm site upon request, who has access to the alarm site and the code to the Alarm System.

Robbery/Holdup Alarm means a silent Alarm Signal generated by the manual activation of a device intended to signal a robbery in progress.

Runaway Alarm means an Alarm System that produces repeated Alarm Signals that do not appear to be caused by separate human action. The Maricopa Police Department may, in its sole and absolute discretion, discontinue police responses to Alarm Signals from what appears to be a Runaway Alarm.

SIA Control Panel Standard CP-01 means the American National Standard Institute approved Security Industry Association (SIA) CP-01 Control Panel Standard, as may be updated from time to time, that details recommended design features for security system control panels and their associated arming and disarming devices to reduce False Alarms. Control panels built and tested to this standard by a nationally recognized testing organization, will be marked to state: "Design evaluated in accordance with SIA CP-01 Control Panel Standard Features for False Alarm Reduction."

(b) **ALARM PERMIT**

(1) ***Permit required***. No Alarm User shall use an Alarm System, whether the system is monitored or not, without first obtaining an Alarm Permit for such Alarm System from the City within ten (10) days from the date of installation. A $20.00 fee shall be required for the initial twelve (12) month registration and annual twelve (12) month renewals for either a commercial or residential Alarm System. Each Alarm Permit shall be assigned a unique permit number, and the user and/or monitoring station operator shall provide the

permit number to facilitate law enforcement dispatch. The fine for not obtaining an Alarm Permit shall be waived if an Alarm Permit is obtained within 14 days of notification.

(2) ***Application***. The Alarm Permit shall be requested on an application form made accessible by the Alarm Administrator. The Alarm Company has the duty and shall provide an Alarm Permit application to the Alarm User.

(3) ***Existing alarm systems.*** Any Alarm System which was installed before the effective date of this Article must be registered by the Alarm User within ninety (90) days after the enactment date of this Article.

(4) ***Transfer of possession***. When the possession of the premises at which an Alarm System is maintained is transferred, the new Alarm User obtaining possession of the property shall file an application for an Alarm Permit within thirty (30) days of obtaining possession of the property. Alarm Permits are not transferable.

(5) ***Reporting updated information***. Whenever the information provided on the Alarm Permit application changes, the Alarm User shall provide correct information to the Alarm Administrator within thirty (30) days of the change. In addition, each year after the issuance of the Alarm Permit, permit holders will receive from the Alarm Administrator a form, requesting updated information. The permit holder shall complete and return this form to the Alarm Administrator whether or not any of the requested information has changed; failure to comply will constitute a violation of this Article.

(6) ***Multiple alarm systems***. If an Alarm User has one or more Alarm Systems protecting two or more separate structures having different addresses and/or tenants, a separate Alarm Permit shall be required for each structure and/or tenant.

(7) ***Refunds.*** No refund of an initial registration or registration renewal will be made.

(c) DUTIES OF THE ALARM USER

The Alarm User shall comply with the following:

(1) Maintain the premises and the Alarm System in a method that will reduce or eliminate False Alarms.

(2) Provide the Alarm Company with the Alarm Permit number once obtained.

(3) A responsible party must make a reasonable effort to respond to the Alarm System's location within thirty (30) minutes after being notified by the Maricopa Police Department.

(4) An Alarm User must make all attempts necessary to prevent/stop Runaway Alarms. Multiple alarms caused by a single technical malfunction in a single Alarm System for a period up to twelve (12) hours shall constitute as only one False Alarm. After twelve (12) hours, the Alarm User may be assessed a civil penalty for each additional False Alarm.

(d)DUTIES OF THE ALARM COMPANY

(1) Duties of the alarm company. Any person engaged in the alarm business in the City, shall comply with the following:

> ***(i) License requirement.*** Obtain and maintain the required state, county and/or city license(s).
>
> ***(ii) Alarm permit requirement.*** The Alarm Company has the duty and shall provide an Alarm Permit application to the Alarm User.

(iii) Operation of system. Prior to activation of the Alarm System, the Alarm Company must provide instructions explaining the proper operation of the Alarm System to the Alarm User including, but not limited to, how to prevent False Alarms. In addition, the Alarm Company must provide written information of how to obtain service from the Alarm Company for the Alarm System.

(iv) Notification of this Article. Prior to installation of the Alarm System, the Alarm Company must provide the Alarm User with information on how gain access to this Article.

(v) CP-01 requirement. Upon enactment of this Article, alarm installation companies shall, on all new and upgraded installations, use only alarm control panel(s) which meet SIA Control Panel Standard CP-01.

(vi) Dual-recess button requirement. Upon enactment of this Article, alarm installation companies shall, on all new and upgraded installations, install only dual-recess button robbery/holdup devices for appropriate applications of commercial accounts. This requirement is not intended for the use of Panic Alarms.

(2) ***Monitoring company requirements.*** An Alarm Company performing monitoring services shall:

(i) Utilize Enhanced Call Verification by attempting to verify, by calling the alarm site and/or Alarm User by telephone, to determine whether an Alarm Signal is valid before requesting dispatch. Telephone verification shall require, at a minimum that a second call be made to a different number, if the first attempt fails to reach a Responsible Party. Enhanced Call Verification shall not be used in the cases of: a Panic Alarm; a Robbery/Holdup Alarm; or a crime-in-progress which has been verified by video and/or audible means. The telephone number(s) and Responsible Party name(s) attempted shall be provided to the police dispatch operator.

(ii) Provide address and Alarm User Permit number, when available, to the communications center to facilitate dispatch and/or cancellations.

(iii) Communicate any and all available information about the zone and sensor activation location, and nature of the alarm.

(iv) Communicate a Cancellation to the law enforcement communications center as soon as possible following a determination that response is unnecessary.

(v) Keep a record of the date and time each notification and activation of an Alarm System is received and the date, time and method by which the Responsible Party was notified. Such records shall be retained for twelve (12) months and be released to the Maricopa Police Department upon request.

(e) PROHIBITED ACTS

(1) It shall be a violation of this Article to activate an Alarm System for the purpose of summoning law enforcement when no burglary, robbery, or other crime dangerous to life or property is being committed or attempted on the premises, or otherwise to cause a False Alarm.

(2) It shall be a violation of this Article to install, maintain, or use an audible Alarm System which can sound continually for more than ten (10) minutes.

(3) It shall be a violation of this Article to make false statements on the Alarm Permit application and may be grounds for non-issuance of an Alarm Permit.

(f) ENFORCEMENT OF PROVISIONS

(1) ***False alarm penalties/Failure to register penalty***. Civil penalties for False Alarms within a permit year and failing to register an Alarm System may be assessed against an Alarm User as follows:

First False alarm, no fine if the Alarm User completes on-line alarm training

Second False Alarm	$ 50.00
Third False Alarm	$100.00
Fourth through seventh False Alarm. .	$200.00 each
Eighth and over False Alarm	Suspension
Failure to obtain an Alarm Permit . . .	$100.00

(2) ***Other Civil Penalty(ies)***. *Unless otherwise specifically provided herein,* violations of this Article may be enforced through the assessment of civil penalty(ies) in the amount of $50.00 per violation, through the entirety of this Article.

(3) ***Cancellations.*** If Cancellation of police response occurs, prior to the police arrival at the scene, the response is not considered a False Alarm for the purpose of a civil penalty and no penalty will be assessed.

(4) ***Civil Non-criminal violation.*** A violation of any of the provisions of this Article shall constitute a civil violation only and shall not constitute a misdemeanor crime or infraction.

(5) ***Payment of Civil Penalty(ies)***. Civil penalty(ies) shall be paid within thirty (30) days from the date of the invoice. Any invoice that remains unpaid for thirty (30) days from the due date indicated on the invoice is considered delinquent and a charge of $5.00 will be added for every thirty (30) days the account remains delinquent.

(6) ***Notice to Alarm Users of False Alarms and potential suspension:*** The Alarm Administrator shall notify the Alarm User after the first False Alarm. The notice shall include:

(i). Requirement to complete on-line training.

(ii) The amount of payment required for the civil penalty.

(iii) The fact that the police response will be suspended after eight (8) False Alarms in a twelve (12) month period, (excluding duress, holdup, robbery and Panic Aalarms).

(iv) A description of the appeals procedure available to the Alarm User.

(7) ***Suspension of law enforcement response – Delinquent account***. The failure of an Alarm User to make payment of any civil penalty(ies) assessed under this Article within ninety (90) days from the date of the invoice may result in discontinuance of law enforcement response to Alarm Signals that may occur at the premises described in the Alarm User Permit until payment is received.

The Alarm Administrator shall notify the Alarm User, the alarm installation company or monitoring company in writing thirty (30) days before an alarm response is to be suspended. Suspension of alarm response does not apply to duress, robbery, holdup and panic alarms. The notice of suspension must also include the amount of the civil penalty

amount for each False Alarm and a description of the appeals procedure available to the Alarm User and the alarm installation company or monitoring company.

(8) ***Suspension of law enforcement response – Excessive false alarms.***
After an alarm site has accumulated eight (8) False Alarm responses in a twelve (12) month period, the Alarm Administrator shall notify the Alarm User, the alarm installation company, or monitoring company in writing thirty (30) days before an alarm response is to be suspended. Suspension of alarm response does not apply to duress, robbery, holdup and panic alarms. The notice of suspension must also include the amount of the civil penalty amount for each False Alarm and a description of the appeals procedure available to the Alarm User and the alarm installation company or monitoring company.
(9) ***Reinstatement of suspended sites for excessive false alarms*** - A person whose Alarm Permit has been suspended, may obtain reinstatement of the permit by the Alarm Administrator if the person submits to the Alarm Administrator:

(i). A $20.00 reinstatement fee.

(ii) Sufficient articulation in writing, addressing proactive measures to be implemented, preventing False Alarms in the future.

(iii) Certification from an Alarm Company, stating that the Alarm System has been inspected and/or repaired only with cases where repetitive, obvious malfunctioning of the Alarm System occurred.

(10) ***Reinstatement of response.*** The Police Department shall reinstate its response to an alarm site as soon as practical, after receiving notice of reinstatement from the Alarm Administrator.
(11) ***Additional suspension of service.*** If an Alarm Permit is reinstated after suspension, the Police Department may again suspend the Alarm Permit if it is determined that three (3) False Alarms have occurred within sixty (60) days after the reinstatement date.

(g) ALARM USER AWARENESS CLASS.
The City may create and implement an Alarm User Awareness Class. The class shall inform Alarm Users of the problems created by False Alarms and instruct Alarm Users on how to help reduce False Alarms. The City may grant the option of attending a class in lieu of paying one assessed fine, not to exceed $75.00, in one twelve (12) month permit period.

(h)APPEALS
(1) ***Appeals process***. Assessments of civil penalty(ies) and other enforcement decisions made under this Article may be appealed by filing a written notice of appeal with the Maricopa Police Department or agent within ten (10) days after the date of notification of the assessment of civil penalty(ies) or other enforcement decision. The failure to give notice of appeal within this time period shall constitute a waiver of the right to contest the assessment of penalty(ies) or other enforcement decision. Appeals shall be heard through an administrative process established by the City. The hearing officer's decision is subject to review in the district court by proceedings in the nature of certiorari.
(2) ***Appeal standard***. The hearing officer shall review an appeal from the assessment of civil penalty(ies) or other enforcement decisions using a preponderance of the evidence

standard. Notwithstanding a determination that the preponderance of the evidence supports the assessment of civil penalty(ies) or other enforcement decision, the hearing officer shall have the discretion to dismiss or reduce civil penalty(ies) or reverse any other enforcement decision where warranted.

(i) CONFIDENTIALITY

All information contained in and gathered through the alarm registration applications, all response records, applications for appeals and any other alarm records are not considered public record unless otherwise prohibited by state law. All Alarm Permits shall be destroyed in accordance with the City's Record Retention Schedules.

(j) GOVERNMENT IMMUNITY

Alarm registration is not intended to, nor will it, create a contract, 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 or Alarm Signal is hereby disclaimed and governmental immunity as provided by law is retained. By applying for an Alarm Permit, the Alarm User acknowledges that the Maricopa Police Department's response may be influenced by factors such as, but not limited to: the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history.