

**ALARM ORDINANCE 4-2-08  
FOR PUBLIC OUTREACH**

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CHAPTER 3  
ALARM SYSTEMS

**ARTICLE I. GENERALLY.**

**Sec. 3-1. Purpose.**

Individuals and businesses use various alarm systems to alert police and fire departments to events requiring public safety response. Alarm systems that are improperly installed, maintained or operated result in false alarms that waste public safety resources to the detriment of the community at large. This chapter is to regulate alarm businesses, alarm agents and alarm user conduct to minimize the unnecessary use of public safety resources. This chapter is also for cost recovery purposes.

**Sec. 3-2. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Activate or activation* means setting off or triggering an alarm system, whether intentionally or unintentionally, rather than placing an alarm system in a state of readiness, as upon the completion of installation or when arming the alarm system.

*Act of God* means an unusual, extraordinary, sudden and unexpected manifestation of the forces of nature, causing collateral damage, which cannot be prevented by reasonable care, skill or foresight.

*Agent* means an individual designated by a publicly traded corporation to act on behalf of the corporation under this chapter. An agent shall be a bona fide resident of Arizona and a citizen or legal resident of the United States.

*Alarm agent* means any person, whether an employee, independent contractor, or otherwise, who acts on behalf of an alarm business and installs or services any alarm system on any premises. An alarm agent does not include a person who buys, installs and services an alarm system only on the person's own premises, or the premises of the person's employer.

*Alarm business* means a business, all or a part of which sells, leases, installs, services and/or monitors any alarm system on any premises within the city except as follows: an alarm business does not include a business or entity that owns, operates, services, monitors or responds to alarm systems only in premises owned, operated or affiliated with that business or entity. An alarm business includes a monitoring agency and authorized alarm agents.

*Alarm school* means an alarm user awareness class or alternate alarm systems

training approved by public safety personnel.

*Alarm system* means any mechanical, electrical or other device, including but not limited to those used to detect smoke, fire, hazardous materials, or unauthorized entry into a premises, or to alert others of a fire, medical or other emergency, or commission of an unlawful act against a person or within a premises, and which may emit an audible alarm or transmit a signal when activated. Alarm systems include silent, panic, holdup, duress, robbery, burglary, automatic dialing device, and audible alarm systems.

*Alarm user* means any person who purchases, leases, contracts for, or otherwise obtains for use an alarm system and who is responsible for the premises where an alarm system is located.

*Audible alarm* means a device designed to generate an audible sound when an alarm system has been activated.

*Automatic dialing device* means any electrical, electronic, mechanical, or other device capable of being programmed to send a prerecorded voice message or other signal when activated, over a telephone line or other communication system to notify or cause to be notified, public safety personnel. Automatic dialing devices include direct dialing devices.

*Certified Systems Installer (C-SI)* means a person holding a certificate from an institution recognized by the director.

*Certified Electronic Systems Technician (C-EST)* means a person holding a certificate from an institution recognized by the director.

*City representative* means an employee of the city, or an independent contractor acting on its behalf, who is responsible for the administration and/or enforcement of this chapter.

*Common cause* means a reason that an alarm system generates a series of false alarms, all of which occur in a seventy-two (72) hour period, which could not be reasonably corrected before subsequent activations within the seventy-two (72) hour period.

*Controlling person* means:

- (a) A sole proprietor;
- (b) All general partners of an applicant or licensee, if the applicant or licensee is a partnership;
- (c) All officers, if the applicant or licensee is not a publicly traded corporation;
- (d) An agent of a publicly traded corporation, and

- (e) All on-site managers of an applicant or licensee who direct the daily operation of the applicant or licensee, whether or not an on-site manager has any ownership interest in the applicant or licensee.

*Director* means the director whose responsibilities include licensing and revenue functions, or the director's designee.

*False alarm* means an activation of an alarm system that results in a public safety personnel dispatch to premises where the alarm system is activated, with no evidence, at the premises, of a crime or emergency, as emergency is determined by public safety personnel.

*Fire department* means the city Fire Department.

*Monitored alarm system* means an alarm system that transmits signals to an alarm business or monitoring agency to alert public safety personnel.

*Monitoring agency* means any person or organization that is legally or contractually responsible for monitoring one (1) or more alarm systems located in the city.

*Permit holder* means an alarm user holding a valid alarm user permit.

*Police* means the city Police Department.

*Premises* means the land, building, facility and/or area intended to be protected by an alarm system.

*Public safety personnel* means a city representative who is a member of the police or fire department.

*Reciprocal alarm business license ordinance* means an ordinance adopted by a jurisdiction with which the city has agreed in writing to share licensing requirements for alarm businesses and alarm agents.

*Responsible representative* means a person to be notified when an alarm system is activated, as designated by an alarm user.

*Service charge* means a charge assessed against an alarm user for false alarms.

*Waiver certificate* means a certificate presented at the successful completion of alarm school entitling the holder to a limited waiver of a service charge.

*Verify or verification* means to attempt by an alarm company to contact the premises and/or alarm user by telephone and/or other electronic means, to determine whether an alarm system activation is a false alarm.

**Sec. 3-3. Effective date.**

The effective date of this chapter shall be **September 1, 2008**.

**Sec. 3-4. Applicability.**

This chapter shall apply to all alarm systems in the city except:

- (1) Audible alarms installed in or used in motorized transportation, including but not limited to motor vehicles and boats;
- (2) Telephone call diverters and systems designed to report environmental and other occurrences that are not intended to alert public safety personnel;
- (3) Water flow alarms;
- (4) Manually-activated emergency medical and check welfare alarm systems; and
- (5) Stand-alone, battery-operated smoke alarms that are not wired or otherwise connected to an alarm system.

**Sec. 3-5. Administration.**

The administration of this chapter, including the duty of prescribing forms, is vested in the general manager of financial services. License and permit applications made under this chapter shall be submitted to the director, who has the authority to issue, deny or revoke a license or permit in accordance with this chapter.

**Sec. 3-6. Notices.**

(a) All notices under this chapter shall be in writing. The director may require any notice to be given on a form prescribed by the director.

(b) Except for notices of denial or revocation, notices from the city shall be sent by regular mail to the last address recorded with the city. In addition, notices may also be hand- or electronically-delivered. When the director reasonably believes that the address of record is incorrect, the director may mail the notice to any reasonably current address known to the director, including, but not limited to the address on a criminal citation, police record or other report.

(c) Notices of denial or revocation shall be hand-delivered or mailed, posted with the United States Postal Service, by certified mail, restricted delivery to the addressee only, return receipt requested.

(d) Notices that are mailed are deemed given upon the earlier of:

- (1) The date received, or
- (2) Five (5) work days after mailing.

(e) Notices that are hand- or electronically-delivered are deemed given on the date delivered.

(f) Compliance with the mailing provisions of this section constitutes valid notice. The city is not required to prove actual receipt of notice or actual knowledge of a denial or revocation.

**Sec. 3-7. Limitation of liability.**

(a) The city is not liable for any failure or neglect:

- (1) To respond appropriately upon receipt of an alarm system activation, or
- (2) On the part of any person or business whether or not licensed under this chapter.

(b) If the city revokes an alarm user permit, the city is not liable for the effects of:

- (1) The revocation, or
- (2) Notice of any kind to third parties.

**ARTICLE II. LICENSES GENERALLY.**

**Sec. 3-8. Types of licenses.**

The types of licenses issued under this chapter are:

- (1) Primary alarm business license.
- (2) Reciprocal alarm business license.
- (3) Alarm agent license.

**Sec. 3-9. License required.**

(a) A person desiring to engage in the activities of an alarm business or an alarm agent in the city shall obtain a license in accordance with this chapter. This requirement does not apply to an alarm agent licensed under a valid primary alarm business license in a jurisdiction that has adopted a reciprocal alarm business license

ordinance to which the city has agreed in writing. An alarm business shall obtain a separate license for each business name under which the alarm business conducts business or advertises.

(b) The license(s) required by this chapter shall be in addition to any other applicable licenses or permits required by the city, county, state or federal government. Persons engaging in activities described in this chapter shall comply with all other ordinances and laws, including the city zoning laws, as required to engage in the activities to be licensed. Failure of an applicant or licensee to meet the requirements of this subsection shall be grounds for denial or revocation of a license.

**Sec. 3-10. Licenses generally.**

(a) Licenses issued under this chapter are not transferable between businesses or persons.

(b) Licenses issued under this chapter are for a period of one (1) year from the issuance date and renewable annually, in accordance with this chapter.

(c) An applicant or licensee shall meet the following minimum requirements, to the director's satisfaction:

- (1) The applicant/licensee shall be at least eighteen (18) years old.
- (2) The applicant/licensee shall be a citizen or legal resident of the United States, and eligible to work in the United States.
- (3) The applicant/licensee shall not, within five (5) years preceding the application date, have been convicted of an offense set forth in article I of chapter 16 of this code.
- (4) The applicant/licensee shall not, within five (5) years preceding the application date, in any jurisdiction:
  - a. Have voluntarily surrendered any license similar to the license issued under this chapter as a result of or while under investigation, or
  - b. Have had a license similar to the license issued under this chapter denied, suspended or revoked.
- (5) The applicant/licensee's record shall be free of all reasons to deny an application under this chapter and under article I of chapter 16 of this code.

(d) When any license issued under this chapter expires or is denied, cancelled or revoked, the city shall notify, first by electronic means, all other jurisdictions

with a reciprocal alarm business license ordinance to which the city has agreed in writing. The notification shall be within two (2) work days after:

- (1) The expiration or cancellation, or
- (2) Any appeal of a denial or revocation is exhausted.

**Sec. 3-11. License application; investigation.**

(a) Each applicant shall file an application for a primary or reciprocal alarm business license, alarm agent license, or license renewal, with the director, upon forms prescribed by the director. The director shall not accept an incomplete application. Each applicant shall also provide additional information the director deems to be reasonably necessary to fully and fairly evaluate the license application.

(b) All applicants for primary alarm business licenses and alarm agent licenses, and all applicant's controlling persons, shall submit to the director a government-issued identification card, with photo. In addition, all applicants for primary alarm business licenses and alarm agent licenses, and all **those** applicant's controlling persons, shall either (1) personally appear at the location designated by the director for fingerprinting, or (2) submit one full set of fingerprints printed by an authorized law enforcement agency. This fingerprint requirement does not apply to an alarm agent licensed under a valid primary alarm business license in a jurisdiction that has adopted a reciprocal alarm business license ordinance to which the city has agreed in writing. The police shall advise the director of the criminal history within the period allowed for issuance of the license.

**Sec. 3-12. Information update.**

An applicant or licensee shall give written notice to the director of all changes to the information submitted in connection with any license application or renewal, within ten (10) work days of the change.

**Sec. 3-13. Fees.**

(a) All fees related to alarm business and alarm agent licenses shall be set forth in the current Chapter 3, Alarm License Fee Schedule.

- (b) Payment of the application fee is due with the application submission.
- (c) No fees are prorated, transferable or refundable.

**Sec. 3-14. Issuance.**

(a) The director has sixty (60) days from the date of completion of all application materials and requirements to either issue or deny any license under this chapter. The issuance of any license is not a waiver of any right of denial or revocation

the city may have at the time of issuance or thereafter.

(b) The director shall issue or renew a license to an applicant when the provisions of this chapter and article I of chapter 16 of this code are fully satisfied.

(c) Upon receipt of the fee for a duplicate license, the director shall issue a duplicate license to a licensee whose license has been lost, stolen or destroyed.

**Sec. 3-15. Non-acceptance and denial of application.**

(a) The director shall not accept an application for a license if:

- (1) The application shows that the applicant or any controlling person has been convicted of a criminal action that would be grounds for denial of the application; or
- (2) The director knows that the applicant or any controlling person has been convicted of a criminal action that would be grounds for denial of the application.

(b) The director shall deny a license if:

- (1) The grounds for denial in this chapter or article I of chapter 16 of this code exist regarding the applicant or any controlling person;
- (2) The applicant is a corporation that is not qualified to transact business in Arizona;
- (3) The applicant is delinquent in payment to the city of taxes, fees, fines, or penalties imposed upon the applicant arising out of any other business activity owned or operated by the applicant and licensed by the city; or
- (4) The applicant is in violation of any applicable provisions of ordinances and regulations of the city relating to the business or occupation to be conducted under the license.

**Sec. 3-16. Revocation; appeals.**

(a) The director shall initiate license revocation proceedings when the director reasonably believes that grounds for denial exist, as set forth in section 3-15 or in article I of chapter 16 of this code, or that grounds for revocation exist as below.

(b) The grounds for revoking a license include, but are not limited to:

- (1) The licensee is not a United States citizen or legal resident of the United States, or eligible to work in the United States.

- (2) The licensee has failed to maintain in good standing all licenses and permits required by this chapter for a license to be issued under this chapter.
  - (3) The licensee's license has been revoked in a jurisdiction in Arizona that has adopted a reciprocal alarm business license ordinance to which the city has agreed in writing, as provided in this chapter.
- (c) Revocation proceedings shall be in accordance with article I of chapter 16 of this code.
- (d) Any person aggrieved by a decision to deny or revoke a license under this chapter is entitled to an appeal under the provisions in article I of chapter 16 of this code.

**Sec. 3-17. License renewal.**

- (a) A licensee applying for license renewal shall:
- (1) Submit to the director a completed application form and fee.
  - (2) Comply with the fingerprinting requirements of this chapter, except for renewal applications for a reciprocal alarm business license.
  - (3) Comply with all other applicable provisions of this chapter and article I of chapter 16 of this code.
- (b) To assure continued operation without an unlawful lapse in the license, a licensee applying for license renewal shall file an application with the director no later than sixty (60) days before the expiration of the license currently in effect. If a licensee applies for a renewal license later than sixty (60) days before the expiration of the license, the licensee shall comply with the requirements for an initial license.

**Sec. 3-18. Reapplication limitations.**

- (a) Except when the director reasonably determines that a denial of a license is for technical reasons only, the director shall deny, for one (1) year after the date of denial, an application from the same alarm agent or the same alarm business.
- (b) For two (2) years after the date a license is revoked, the director shall deny an application from the same alarm agent or the same alarm business.

**ARTICLE III. ALARM BUSINESS LICENSES.**

**Sec. 3-19. Types of alarm business licenses.**

The types of alarm business licenses issued under this chapter are:

- (1) *Primary alarm business license.* The city may issue a primary alarm business license to:
  - a. An alarm business that has an office in this city, or
  - b. An alarm business that does not have a primary alarm business license from any other jurisdiction that has adopted a reciprocal alarm business license ordinance to which the city has agreed in writing.
- (2) *Reciprocal alarm business license.* The city may issue a reciprocal alarm business license to an alarm business that has a valid primary alarm business license issued by a jurisdiction in Arizona that has adopted a reciprocal alarm business license ordinance to which the city has agreed in writing.

**Sec. 3-20. Reciprocal alarm business licenses.**

(a) A reciprocal alarm business license shall be issued only if the applicant for a reciprocal alarm business license:

- (1) Has a valid primary alarm business license issued by a jurisdiction in Arizona that has adopted a reciprocal alarm business license ordinance to which the city has agreed in writing, and
- (2) Meets all the requirements for a reciprocal alarm business license under this chapter.

(b) If the primary alarm business license under which a reciprocal alarm business is issued expires or is cancelled, suspended or revoked, the reciprocal alarm business license in this city shall be cancelled or revoked (in cases of suspension or revocation) on the date the primary alarm business license expires or the cancellation, suspension or revocation is final.

(c) After a reciprocal alarm business license expires or is cancelled or revoked, a reciprocal alarm business license may be issued only in accordance with this chapter and article I of chapter 16 of this code.

(d) Reciprocal alarm business licensees shall operate in accordance with this chapter.

**Sec. 3-21. Changes in alarm business licenses.**

(a) A change in location of a licensed alarm business within the city shall be subject to the director's approval before transacting business at the new location. The director shall approve a change in location upon:

- (1) Written notice of the new location, and
- (2) Compliance with this chapter and all other city ordinances.

(b) Upon written request and the payment of the fee set forth in the current Chapter 3, Alarm License Fee Schedule, the director shall issue a new license reflecting the new location.

(c) To cancel a primary alarm business license in the city, the alarm business shall notify in writing the director and all jurisdictions issuing reciprocal alarm business licenses. To cancel a reciprocal alarm business license in the city, the alarm business shall notify the director. Each cancellation notice shall include the effective date of cancellation.

### **Sec. 3-22. Alarm business license application.**

(a) Each applicant shall file an application for a primary or reciprocal alarm business license with the director, upon forms prescribed by the director.

(b) With the application, an applicant for a primary or reciprocal alarm business license shall also provide proof, satisfactory to the director, that the applicant complies with the licensing requirements of the state registrar of contractors. Applicants whose sole business is operating a monitoring agency are not required to possess any state registrar of contractors licenses, but shall provide proof of Underwriters Laboratories (UL) or Factory Mutual (FM) listing as a licensing requirement.

### **Sec. 3-23. Alarm business display of license.**

The alarm business license shall be conspicuously displayed at the central business office of the alarm business.

### **Sec. 3-24. Alarm systems and installation—technical standards.**

The following standards shall apply to alarm systems sold, leased, installed or serviced by alarm businesses on or after the effective date of this chapter:

- (1) All major components of alarm systems shall be Underwriters Laboratories (UL) or listed Factory Mutual (FM) approved for fire alarms.
- (2) All alarm systems shall be installed in accordance with the manufacturer's installation and application instructions using current SIA CP-01-2000 listed alarm panels and shall be programmed to reduce false alarms.

- (3) All alarms systems shall have a backup, rechargeable power supply.
- (4) Motion detectors and photoelectric beam detectors shall be installed only by alarm agents who have been trained by the manufacturer or in a class teaching the proper installation of such detectors. In addition, such detectors shall be installed in accordance with the manufacturer's installation and application instructions.
- (5) Alarm systems shall be designed to alert the alarm user of the possible alarm system problems when the alarm user tests or attempts to activate the alarm system.
- (6) Alarm systems shall be designed to deactivate audible sound within ten (10) minutes of activation.
- (7) All alarm systems shall be designed to have distinct audible alarm sounds for burglary and fire.
- (8) Ionization type detectors shall not be connected to an alarm system without the prior written approval of the fire marshal or designee.
- (9) Except for automatic dialing devices on city premises, automatic dialing devices shall not be programmed to any telephone number in the city government, including, but not limited to the police or fire department.

**Sec. 3-25. Alarm business responsibilities.**

(a) Within ten (10) work days after installation or entering into a service agreement, each alarm business shall give written notice to the director of the date of the installation or service agreement, the name and telephone number of the alarm user and the address of the premises where the alarm system is installed.

(b) Upon completing an alarm system installation or entering into a service agreement, the alarm business shall inspect and test all equipment and take corrective action to prevent false alarms.

(c) Immediately after installing an alarm system or entering into a service agreement, the alarm business shall provide the alarm user with an alarm user permit application and complete operating instructions, (including specific written instructions, or a videotape presentation of the same) regarding the importance of securing all points of entry, such as doors and windows; how to minimize and prevent false alarms; and how to prearrange alarm system tests.

(d) An alarm business which sells, leases, services and/or monitors an alarm system shall conspicuously place on the outside of the premises a sign or decal identifying the name of the alarm business and the telephone number to call when the

alarm system has been activated. The alarm business shall update the name of the alarm business and telephone number shown, to reflect accurate, current information within ten (10) work days of any change.

(e) Any alarm business that has a service agreement with an alarm user shall provide service to the alarm system within seventy-two (72) hours of being notified that the alarm system needs service. Any alarm business that has a service agreement with an alarm user shall maintain a twenty-four (24) hours a day, seven (7) days a week notification system for service requests.

(f) Before servicing an alarm system, the alarm business shall set the alarm system in test mode. The alarm business shall disconnect audible alarm sounding devices from the alarm system before servicing the alarm system, except when the sounding devices are being serviced or tested.

(g) Except for fire alarms, the alarm business shall inactivate any audible alarm within ten (10) minutes of its activation.

(h) The alarm business shall provide an alarm user with a written report each time the alarm business performs any type of service to or inspection of the alarm system. The report shall describe the reasons for the service or inspection, any problems diagnosed and actions taken.

(i) Alarm businesses that install, service or monitor alarm systems shall maintain the following records, as applicable, for inspection by city representatives for two (2) years from the time the service is performed:

- (1) The name and address of the owner or occupant of the premises, the name and telephone number of the alarm user, and at least two (2) responsible representatives designated by the alarm user to respond to the premises when the alarm system is activated.
- (2) The alarm user permit number of each alarm system installed, serviced or monitored.
- (3) Documentation certifying that each alarm user for which an installation has been completed has received the instruction required by subsection (c), above.
- (4) Documentation of each alarm system activation.
- (5) Documentation of all telephone calls made to verify an alarm system activation, including:
  - a. The date and time the alarm business received notification of an alarm system activation.

- b. The person's name who received the notification and made the phone calls to verify the activations.
  - c. The date and times the verification calls were made.
  - d. The names and telephone numbers to whom the verification calls were made.
  - e. The results of each verification call, including the names of the persons answering the calls.
- (6) A record of all actions taken to correct and prevent false alarms.
- (7) A record of all actions taken to notify an alarm user of each activation of the alarm system, including when notification was sent, to whom, and by what method.
- (j) Alarm businesses shall notify the alarm user of each activation of the alarm system within seventy-two (72) hours of the activation.
- (k) The alarm business shall produce its records for inspection by a city representative upon request during normal business hours.
- (l) Within ten (10) work days of the change in service, the alarm business shall notify the director that the alarm business has ceased to lease, service or monitor an alarm system, or that the service is being provided by another alarm business.
- (m) Within ten (10) work days of an alarm agent change, the alarm business shall notify the director when the alarm business has gained or lost an alarm agent, including the alarm agent's name, licensing jurisdiction and license number.

**Sec. 3-26. Notification of public safety personnel; response.**

(a) Except when the type of alarm system activated may make verification inappropriate (including robbery, fire, duress and panic alarm signals), an alarm business shall verify the alarm system activation first, at the premises, and if no one at the premises is able to inform the alarm business about the activation, second, with the alarm user [Deleted multiple numbers]. The verification shall be made before requesting public safety personnel dispatch.

(b) When an alarm business notifies public safety personnel of an alarm system activation, the alarm business shall provide the following information:

- (1) The name and address of the alarm user.
- (2) The type of alarm system.

- (3) Whether the alarm system is audible or silent.
- (4) The address of the premises serviced by the alarm system and the specific location in the premises, identifying the nearest room and its relationship to north, where the alarm system was activated.
- (5) The alarm user permit number.
- (6) The estimated time of arrival of the alarm user, responsible representative or alarm agent if requested by public safety personnel, including the name of the person responding and a description of the person or vehicle responding.

(c) When requested to do so by public safety personnel, an alarm business shall arrange for the alarm user, alarm user's responsible representative or alarm agent to go to the premises of an activated alarm system within thirty (30) minutes of the request to assist public safety personnel in determining the reason for the activation, resetting the alarm system, and securing the premises.

(d) An alarm user, responsible representative or alarm agent shall respond to the scene of an alarm system activation as expeditiously as safety permits, without unnecessary or unreasonable delay.

#### **ARTICLE IV. ALARM AGENT LICENSES.**

##### **Sec. 3-27. Alarm agent license.**

(a) An alarm agent license may be issued to a person desiring to engage in the activities of an alarm agent.

(b) In jurisdictions that have adopted a reciprocal alarm business license ordinance to which the city has agreed in writing, an alarm agent shall apply for an alarm agent license where the alarm business for which the alarm agent works has received its primary alarm business license.

(c) The alarm agent license obtained under a valid primary alarm business license shall be valid in all jurisdictions that have adopted a reciprocal alarm business license ordinance to which the city has agreed in writing.

(d) All alarm agent licensees shall operate in accordance with this chapter.

##### **Sec. 3-28. Changes in alarm agent licenses.**

(a) An alarm agent who terminates employment with an alarm business shall immediately surrender his or her alarm agent license to the appropriate official in the jurisdiction where the alarm agent license was issued. In the city, the alarm agent shall surrender his or her alarm agent license to the director.

(b) An alarm agent who terminates employment with an alarm business to transfer employment to another alarm business shall notify the appropriate official in each jurisdiction where the alarm agent works of the transfer within ten (10) work days of the change. In the city, the alarm agent shall notify the director.

(c) If the alarm agent license expires, or is cancelled, suspended or revoked in any jurisdiction that has adopted a reciprocal alarm business license ordinance to which the city has agreed in writing, the alarm agent shall not engage in activities of an alarm agent in this city after the date the license expiration, cancellation, suspension or revocation is final.

(d) If the alarm business license under which an alarm agent's license is issued expires, or is cancelled, suspended or revoked, then the alarm agent's license is revoked as of the date the alarm business license expiration, cancellation, suspension or revocation is final.

**Sec. 3-29. Alarm agent license application.**

(a) An applicant shall file an application for an alarm agent license with the director, upon forms prescribed by the director.

(b) Except for an alarm agent licensed under a valid primary alarm business license in a jurisdiction that has adopted a reciprocal alarm business license ordinance to which the city has agreed in writing, an applicant for an alarm agent license or license renewal shall personally appear at a location designated by the director to be photographed. As of **July 1, 2011**, an applicant for an alarm agent license shall submit proof that the applicant is, at a minimum, a Certified Systems Installer (C-SI) or Certified Electronic Systems Technician (C-EST). The director shall accept a certificate from the National Systems Contractors Association or other comparable accrediting institution.

**Sec. 3-30. Alarm agent license revocation; reapplication.**

(a) The revocation procedures in this chapter shall apply to alarm agent licenses.

(b) If an alarm agent's license is revoked solely because the alarm business employing the alarm agent has had its alarm business license expire, denied, cancelled, suspended or revoked, the alarm agent may reapply for an alarm agent license any time.

**Sec. 3-31. Alarm agent display of license.**

Each alarm agent shall conspicuously display his or her license on the outer clothing, on the front of the body, above the waist, with the photo visible, at all times when he or she is engaged in the activities of an alarm agent. The alarm agent shall

display the license to a police officer or other city representative upon request.

## **ARTICLE V. ALARM USERS.**

### **Sec. 3-32. Alarm user responsibilities.**

- (a) All alarm users shall:
  - (1) Apply for an alarm user permit from the city no later than seven (7) work days after the alarm user's alarm system is placed into operation.
  - (2) Maintain the alarm system in good working order and take all reasonable and practicable steps to prevent false alarms. The alarm system shall be inspected once a year to maintain the alarm system in good working order.
  - (3) Choose **at least two (2)** reliable and trustworthy responsible representatives, and provide each responsible representative with access to the premises and the code to reset the alarm system.
  - (4) Respond or arrange for response to the premises of an activated alarm system by an alarm agent or responsible representative within thirty (30) minutes of **any public safety personnel request**.
  - (5) Except for a fire alarm system, assure that any audible alarm is deactivated within ten (10) minutes of activation.
  - (6) Within ten (10) work days of the change, give written notice to the director of any changes to the information regarding the alarm user or responsible representatives.
  - (7) Within ten (10) work days after receiving an alarm user permit, give written notice to the alarm company that monitors the alarm system of the alarm user permit number for the alarm system.
  - (8) Waive liability against the city arising out of the use of the alarm system.
- (b) An alarm user with a monitored alarm system shall:
  - (1) Within ten (10) work days of the date of the service agreement, give written notice to the director of the name, business location, mailing address and telephone number of the alarm business providing monitoring.
  - (2) Within ten (10) work days of the change, give written notice to:
    - a. The alarm business of any changes to the information regarding the

alarm user.

- b. The director of any changes to the information regarding the alarm business.
- (3) Within ten (10) work days of the change, give written notice to the director that the alarm business has ceased to monitor the alarm user's alarm system, or that the service is being provided by another alarm business. The alarm user shall identify the alarm business that is providing replacement services.

**Sec. 3-33. Alarm user responsibilities—multi-unit buildings.**

(a) In a building where units are leased or sold to different tenants, the owner/manager is responsible for all alarm systems except those for which a tenant is responsible through a written agreement holding the tenant responsible. The owner/manager may be responsible for alarm systems installed to protect:

- (1) The building,
- (2) The owner's or manager's occupied or vacant units,
- (3) The tenants' units, and/or
- (4) The common areas.

The owner/manager of the building is responsible any service charges accrued for alarm system activations, except those for which a tenant is responsible through a written agreement holding the tenant responsible.

(b) The tenant is responsible for an alarm system installed to protect the tenant's unit if a written agreement holds the tenant responsible.

(c) Before placing an alarm system into operation, the owner/manager shall obtain an alarm user permit for each alarm system for which the owner/manager is responsible, and the tenant shall obtain an alarm user permit for each alarm system for which the tenant is responsible.

(d) The owner/manager of the building and the tenant shall comply with the alarm user responsibilities in this article. In addition, the tenant shall:

- (1) Within ten (10) work days after receiving an alarm user permit, give written notice to the owner/manager of the names and telephone numbers of at least two (2) responsible representatives, in addition to the alarm user, to notify if the alarm system is activated.
- (2) Within ten (10) work days of the change, give written notice to the

owner/manager of any changes to the information regarding the alarm user or responsible representatives.

**Sec. 3-34. Alarm user permit required; who applies; not transferable.**

(a) No alarm user shall place an alarm system into operation without obtaining an alarm user permit in accordance with this chapter. An alarm user permit is required for each premises, in the city, where one or more alarm system(s) is placed into operation by an alarm user. An alarm user permit is required for each alarm system with a separate control panel within the premises. However, in a building where units are leased or sold to different tenants:

- (1) The owner/manager of the building shall apply for an alarm user permit for any alarm system installed to protect the building, the owner/manager's occupied or vacant units, the tenants' units (except as provided below) and/or the common areas;
  - (2) The tenant shall apply for an alarm user permit for any alarm system installed to protect the tenant's unit if a written agreement holds the tenant responsible for the alarm system.
- (b) Alarm user permits are not transferable between premises or persons.

**Sec. 3-35. Alarm user permit application; fees.**

(a) Application for an alarm user permit shall be made to the director. The application shall be signed and submitted to the director. Each initial application and renewal for an alarm user permit shall be accompanied by the fee set forth in the current Chapter 3, Alarm Permit Fee Schedule. Each renewal shall also be accompanied by payment in full of all outstanding fees, services charges and late charges, for the previous permit period. No alarm user permit will be renewed without full payment of all fees, service charges and late charges, none of which shall be refundable, prorated or transferable.

(b) If an alarm user has not paid past alarm user permit fees, the alarm user shall pay uncollected past alarm user permit fees due for up to four (4) years in arrears. These past alarm user permit fees are in addition to the current fee due.

(c) Upon request and the payment of the fee set forth in the current Chapter 3, Alarm License Fee Schedule, the director shall issue a duplicate alarm user permit to a permit holder whose alarm user permit has been lost, stolen, or destroyed.

**Sec. 3-36. Alarm user permit term; renewal.**

(a) The alarm user permits issued under this chapter shall be for a period of one (1) year from:

- (1) The date the alarm system was placed into operation; or
  - (2) The date when the alarm user signs the alarm user permit application, whichever comes earlier.
- (b) Alarm user permits are renewable annually, in accordance with this chapter.
- (c) If an alarm user fails to renew the alarm user permit within one hundred twenty (120) days after its expiration, or within such [Deletion] time determined by the director, the alarm user permit is cancelled. If the alarm user wishes to reapply for an alarm user permit for the same alarm system at the same premises, the alarm user shall apply for a new alarm user permit.
- (d) Alarm user permits issued under former chapter 3 of this code shall be valid until the anniversary date of the previously issued permit. The permit holder shall apply for a renewal, in accordance with this chapter, on or before that date. The permit holder shall comply with this chapter from its effective date.

**Sec. 3-37. Alarm user permit - availability for inspection.**

The alarm user permit shall be kept on the premises where the alarm system is located and it shall be made available to city representatives, upon reasonable request.

**Sec. 3-38. Failure to obtain alarm user permit.**

(a) If an alarm system is operated without an alarm user permit, the alarm user shall be assessed a service charge of fifty dollars (\$50.00) for each alarm system activation that occurs while the alarm system is operated without an alarm user permit. Service charges imposed under this subsection are in addition to any imposed under section 3-39 and shall be cumulative with them.

(b) Any alarm user whose alarm system is activated without having first obtained an alarm user permit as required by this chapter shall be notified, in writing, by the city that:

- (1) The use is in violation of this chapter.
- (2) Application for an alarm user permit must be submitted to the director not later than ten (10) work days from the date of the notice.
- (3) Service charges of fifty dollars (\$50.00) shall continue to accrue, in addition to any service charges imposed under section 3-39, for each alarm system activation until the director receives the alarm user permit application.

[Deleted waiver of \$50.00]

**Sec. 3-39. Activations and service charges; waivers.**

(a) Except as otherwise provided in this chapter, service charges shall be assessed against alarm users, for each permit period, as follows:

<i>Activations</i>	<i>Service Charge</i>
First and second	None
Third	\$ 50.00
Fourth	75.00
Fifth and sixth	100.00 each
Seventh or more	200.00 each

(b) If (1) an alarm user installs a new alarm system consisting of a new control panel and all other new components, and (2) the director receives the alarm user's permit application within seven (7) work days after the new alarm system is placed into operation, then no service charges shall be assessed for alarm system activations which occur within the first thirty (30) days following the installation of the new alarm system.

(c) No activations shall be counted and no service charges shall be assessed for an alarm system activation that results in the police preparing a departmental criminal report or the fire department preparing a run report with evidence of fire or other emergency.

(d) The director shall waive an activation, a service charge and its late charge, if any, for the last alarm system activation before the alarm user presents the original waiver certificate, under the following conditions:

- (1) The waiver certificate is presented no later than one (1) year from its issuance date;
- (2) No other waiver certificate has been presented by the same person for the same alarm user permit number within one (1) year of its presentation; and
- (3) All other outstanding service charges and late charges for false alarms are paid.

Waiver certificates are not transferable from person to person or premises to premises.

(e) All service charges shall become due and payable when a statement of charges is mailed to the alarm user and shall become delinquent thirty (30) days after being mailed. The late charge set forth in the current Chapter 3, Alarm License Fee

Schedule shall be assessed for delinquent payments.

**Sec. 3-40. Activation and service charge review.**

(a) An alarm user may file a written request with the director for an activation or service charge review. The director must receive the review request no later than thirty (30) days from the date of the activation, or the date the service charge was assessed, whichever is applicable. Review requests received after thirty (30) days are late and the rights of review are waived as to that activation or service charge.

(b) The review request shall include:

- (1) A statement of the grounds in subsection (c) below that justify waiver of the activation or service charge,
- (2) What actions have been taken to eliminate false alarms in the future, and
- (3) Copies of any documentation such as inspection and service reports the permit holder intends to rely upon.

(c) Grounds for waiver are an act of God **[Deleted common cause; addressed in (d) below]** or an alarm system activation for which the police prepare a departmental criminal report or the fire department prepares a run report with evidence of fire or other emergency.

**(d) If the activation or service charge results from a common cause, the director may waive all but one activation or service charge if the director finds:**

- (1) There have been actions taken to eliminate the common cause, and**
- (2) There are no additional activations of the alarm system from the common cause.**

(e) The director shall give written notice to the alarm user of the director's findings. If good cause for relief has been shown, the activation or service charge shall be waived. If the alarm user is still responsible for the activation or service charge(s), the director shall give written notice to the alarm user, and indicate that the service charge(s) are due and payable on receipt of the notice.

**Sec. 3-41. Appeal of review; hearing; notice.**

(a) An alarm user aggrieved by the decision resulting from an activation or service charge review may request a hearing by filing a written request for hearing within fifteen (15) work days of the director's decision. The request shall be filed with the director.

- (b) The request for hearing shall include:
  - (1) A statement of the grounds that justify waiver of the activation or service charge,
  - (2) What actions have been taken to eliminate false alarms in the future,
  - (3) Copies of any documentation such as inspection and service reports the permit holder intends to rely upon, and
  - (4) A copy of the director's decision.

**[Deleted filing fee requirement]**

(c) The **general manager of financial services** shall designate a hearing officer, who may be a volunteer, independent contractor, or employee of the city. The same employee who conducted the original review may not be appointed as hearing officer. A hearing will be set no later than twenty (20) work days from the date on which the request for hearing is filed.

(d) The hearing shall be informal and shall proceed as determined by the hearing officer, who may determine the length of the hearing, the manner of presenting evidence, and the order of evidence. No formal rules of evidence shall be required in conducting the hearing. The alarm user and the city may be represented by counsel at the hearing.

(e) The alarm user and the city may present witnesses and written evidence subject to any limitation imposed by the hearing officer. The burden of proof to show that the activation or service charge should be waived is on the alarm user.

**Sec. 3-42. Decision of hearing officer; notice.**

(a) The hearing officer's decision shall be based upon the evidence presented and rendered within ten (10) work days of the hearing.

(b) If the hearing officer affirms the activation or service charges, the hearing officer shall give written notice to the alarm user, including, if applicable, the amount of service charges due and the due date, **which shall not be later than ten (10) days after the date of the notice.**

(c) The hearing officer may consider waiving the activation or service charge(s) if an alarm user successfully completes alarm school or appropriate alarm system service. The hearing officer may require documentation of these required actions.

(d) If the hearing officer finds that grounds exist for waiving the activation or

service charges, the hearing officer shall give written notice to the alarm user of any amount due and the due date, which shall not be later than ten (10) days after the date of the notice. [Deleted reference to the filing fee]

- (e) The decision of the hearing officer shall be final.

**Sec. 3-43. Lien for unpaid service charges.**

(a) Any service charge imposed by this chapter, if not paid by the delinquent date, shall constitute a lien on the premises to which public safety personnel responded.

(b) Upon delinquency, the city shall notify the owner of record of the premises indicating that the city may file a lien on the premises unless all delinquent service charges and late charges are paid.

(c) If delinquent service charges and late charges are not paid, the city may prepare a notice and claim of lien and shall file the lien with the county recorder. When the lien is filed, the cost of preparing, processing, recording and releasing the lien shall be added to the amount due.

(d) From and after the date of recordation, the lien shall attach to the premises until the amount owed is paid.

(e) Financial services for the city has the authority for having liens prepared and recorded.

**Sec. 3-44. Confidentiality.**

(a) Except as otherwise provided by law and as provided in (b) below, information related to an alarm user permit shall be confidential and restricted to inspection by city representatives. The alarm user may consent in writing to disclosure of any information related to an alarm system.

(b) City representatives may disclose:

(1) The name and address of the alarm user, and the amount of delinquent, unpaid alarm user permit fees, service charges and late charges related to an alarm system to a private collection agency with a written agreement with the city, and

(2) The name and address of the alarm user, and the alarm user permit number to the alarm business that monitors the alarm user's alarm system.

(3) Information regarding an alarm user and the alarm user's alarm system to law enforcement agencies for law enforcement purposes.

**Sec. 3-45. Offenses; penalty.**

(a) It shall be unlawful for any person to:

- (1) Engage in the activities of an alarm business without being licensed as required under this chapter.
- (2) Engage in the activities of, represent himself/herself to be, or operate as, an alarm agent without being licensed as required under this chapter.
- (3) Hire, use or contract with an unlicensed alarm business or unlicensed alarm agent for alarm system services.
- (4) Intentionally, knowingly or recklessly activate any alarm system, except to warn of a criminal act or other emergency.
- (5) Place into operation, monitor or use an alarm system without first obtaining an alarm user permit.
- (6) Place into operation, monitor or use an alarm system that is known to be defective or contains defective components such as depleted batteries.
- (7) Place into operation, monitor or use a single-action non-recessed button to activate a panic, holdup or other alarm system.
- (8) Install, place into operation, monitor or use any security device or system that emits any medium that could obscure the premises.
- (9) Use an alarm system during the period an alarm user permit is revoked.

(b) It shall be unlawful for an alarm agent at a premises, while servicing an alarm system, to activate an alarm system negligently which results in the arrival of public safety personnel at the premises.

(c) It shall be unlawful for an alarm user or an alarm user's responsible representative to fail to arrive at the premises where an alarm system has been activated, within thirty (30) minutes of activation, after being requested to do so by public safety personnel.

(d) A violation of subsection (a)(1) through (a)(9) shall be punishable as a class one (1) misdemeanor. A violation of subsection (b) or (c) is a civil offense punishable by a fine up to two hundred fifty dollars (\$250.00).

(e) The revocation of a license or permit, or pending revocation proceedings, shall not be a defense to prosecution under this chapter.

**Sec. 3-46. Remedies.**

(a) As the city's remedies to enforce this chapter against alarm businesses and alarm agents, the city manager or designee, or city attorney, may employ one or more lawful means, including but not limited to, voluntary compliance, civil consent orders, civil enforcement, including injunctive action, and criminal enforcement. These remedies are in addition to revocation.

- (1) The city may seek voluntary compliance with this chapter through warnings, notices, compliance orders, or other means to achieve efficient and effective compliance.
- (2) The city may enter into a written civil consent order, signed by the city manager or designee, with a person accused of violating this chapter. The civil consent order may be filed in city court or superior court, with the permission or approval of the appropriate judge or magistrate.

(b) The city's remedies to enforce this chapter against alarm users shall be as set forth below:

- (1) If (i) an alarm user without an alarm user permit experiences seven (7) or more false alarms of an alarm system within one hundred eighty (180) days, or (ii) a permit holder experiences seven (7) or more false alarms of an alarm system within any permit period, the police may give written notice to the alarm user and the alarm user's alarm business, if applicable, that:
  - a. Seven (7) or more false alarms are considered alarm system abuse.
  - b. The alarm user shall have ten (10) work days from the date of the notice in which to rectify the causes of the false alarms and give the police written notice, signed by the alarm user, of the actions taken to rectify the causes. For monitored alarm systems, the written notice to the police of the actions taken to rectify the causes shall also be signed by the alarm business.
  - c. The alarm user's failure to rectify the causes of the false alarms and give the police written notice, signed by the alarm user, of the actions taken to rectify the causes within ten (10) work days may result in:
    - i. The director's initiating permit revocation procedures, and
    - ii. The alarm user's required attendance at and successful completion of alarm school.

- d. The alarm user may be required to meet with the police to avoid permit revocation.
  - e. Reinstatement of a revoked alarm user permit requires more documentation and fees than an original alarm user permit application as set forth in subsection (3) below.
  - f. Use of an alarm system when the alarm user permit is revoked is a class one (1) misdemeanor.
- (2) To initiate an alarm user permit revocation, the director shall give written notice to the alarm user for revocation procedures under article I of chapter 16 of this code. All revocation procedures applicable to licenses under article I of chapter 16 of the code, including the hearing, appeal and appeal procedure, shall be equally applicable to alarm user permits.
- (3) An alarm user applying for an alarm user permit after it has been revoked shall:
- a. Complete an application for a new alarm user permit.
  - b. Provide documentation that the alarm system has been inspected and serviced by an alarm business to avoid false alarms within twenty (20) work days before the date of reapplication.
  - c. Provide documentation that the causes of false alarms have been rectified.
  - d. Provide documentation that the alarm user has attended and successfully completed alarm school.
  - e. Pay the additional administrative fee set forth in the current Chapter 3, Alarm License Fee Schedule, plus all outstanding service charges and late charges.
- (4) The city may enter into a written administrative consent order, signed by the director, with an alarm user who has received written notice of alarm system abuse or excessive alarm system abuse. The consent order may impose requirements beyond the minimum requirements of this chapter, and may include suspending response by public safety personnel to alarm system activations. The administrative consent order may be enforced as a contract is enforced or by any other lawful means, including using the remedies set forth in this chapter.
- (5) The city may enter into a written civil consent order, signed by the director, with a person accused of violating this chapter. The consent order may impose requirements beyond the minimum requirements of this chapter, and may include suspending response by public safety personnel to alarm

system activations. The civil consent order may be filed in city court or superior court, with the permission or approval of the appropriate judge or magistrate, and where applicable, recorded against the premises which is the subject of the consent order.

(c) A police officer or the city attorney may bring criminal complaints under this chapter. A police officer, the city attorney or the city manager or designee may bring civil complaints under this chapter. All remedies prescribed by this chapter are cumulative and supplemental. The city's use of one (1) or more remedies neither limits nor precludes the city from pursuing any other remedy to enforce this chapter. This chapter shall not limit the city's right to sue in a court of competent jurisdiction for appropriate legal and/or equitable relief to recover fees, service charges, late charges, attorneys' fees and costs.