

RESOLUTION 2015-031

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; DECLARING AS PUBLIC RECORD AMENDMENTS TO CITY CODE CHAPTER §117, SECTIONS 117.01, 117.02, 117.03, 117.04, 117.05, 117.06 and 117.07, AS SHOWN ON EXHIBIT A; AND AUTHORIZING AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY, OR THEIR DULY AUTHORIZED OFFICES AND AGENTS TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the City Manager, the Chief of Police, and the City Clerk recommend that the amendments to Chapter §117, Sections 117.01, 117.02, 117.03, 117.04, 117.05, 117.06, and 117.07 of the City Code, as shown on Exhibit A, be adopted; and

WHEREAS, under the provisions of Section 9-802 of the Arizona Revised Statutes, the proposed amendments to the City Code shall be declared a matter of public record for a period of thirty days prior to being passed and adopted by ordinance.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, AS FOLLOWS:

SECTION 1

That Chapter §117, Sections 117.01, 117.02, 117.03, 117.04, 117.05, 117.06, 117.07 of the City Code of the City of Sierra Vista be, and hereby is, amended as shown in Exhibit A.

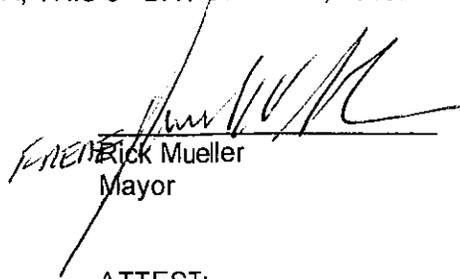
SECTION 2

That the certain document entitled Exhibit A, attached hereto, copies of which are on file in the office of the City Clerk, is hereby declared a public record.

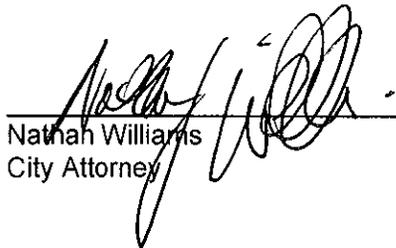
SECTION 3

That the City Manager, City Clerk, City Attorney, or their duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this resolution.

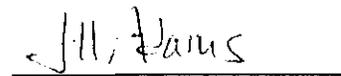
PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL
OF THE CITY OF SIERRA VISTA, ARIZONA, THIS 9th DAY OF APRIL, 2015.


Rick Mueller
Mayor

APPROVED AS TO FORM:


Nathan Williams
City Attorney

ATTEST:


JILL ADAMS
City Clerk

PREPARED BY:
Adam D. Thrasher
Deputy Chief of Police

CHAPTER 117: ALARM SYSTEMS

Section

- 117.01 Purpose
- 117.02 Definitions
- 117.03 Alarm businesses
- 117.04 ~~Alarm subscribers and owners~~ Duties of the self-installer/alarm user
- 117.05 False alarm assessments ~~and permit revocation~~
- 117.06 Appeal procedure
- 117.07 General regulations

§ 117.01 PURPOSE.

This chapter is intended to regulate the activities and responsibilities of those persons who purchase, own, lease or rent, and those persons who own or conduct the business of selling, installing, leasing, renting, maintaining, servicing or monitoring alarm systems, devices or services. It is further intended to encourage the improvement in reliability of these systems, devices and services, and to insure that the Police Department or Fire Department will not be unduly diverted from responding to actual criminal activity or other calls for service as a result of responding to false alarms. This chapter specifically encompasses burglar alarms, robbery alarms, panic alarms, fire alarms and medical assistance alarms, both audible and inaudible.

(Ord. 1002, passed 3-14-96; Am. Ord. 2008-003, passed 1-10-08)

§ 117.02 DEFINITIONS.

- (A) *General definitions.* For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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

ALARM or **ALARM SYSTEM.** Any medical or electrical device which is used to detect unauthorized entry into buildings or onto premises, or to warn or alert others of an emergency or fire or of the commission of an unlawful act.

ALARM AGENT. Any person who is employed by an alarm business, either directly or indirectly, whose duties include selling, installing, maintaining, servicing, repairing or monitoring any alarm or alarm system. ~~Individuals who conduct the above activities and are not employed by an organized and licensed alarm business shall apply for an alarm business license.~~

ALARM BUSINESS. Any person, partnership, or corporation who owns or conducts the business of installing, leasing, renting, maintaining, servicing or monitoring alarm systems, devices, or services.

ALARM COORDINATOR. Police Department individual designated to coordinate police/fire relations with the licensed alarm businesses and to enforce the provisions of this chapter.

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ALARM SITE. The location where the alarm system is installed.

ALARM SUBSCRIBER. Any person, firm, partnership, corporation which leases, rents or purchases any monitored alarm system, device or service from an alarm business, or which leases or rents an audible alarm system or device.

PRIMARY ALARM USER. The person or persons who contracts for the lease, purchase or rental of an alarm system, or who is responsible for the premises where an alarm system is located; or otherwise arranges for the installation or service of an alarm system.

AUDIBLE ALARM. A device which, when activated, generates an audible sound on the premises.

AUTOMATIC DIALER. A device which is interconnected to a telephone line, cellular telephone service or radio link, 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 signals or by maintaining an open line with emergency services. CANNOT BE 911.

COMMON CAUSE. A common technical difficulty or malfunction which causes an alarm system to generate a series of false alarms. Such series of false alarms shall be counted as one false alarm if the false alarms have all occurred within a 72-hour period, and the responsible alarm business has documented to the Police Department the cause, the action taken to rectify the cause, and during the previous or subsequent 30-day period there were no false alarms generated by that documented cause.

CP-01 LISTED CONTROL PANEL. An American National Standards Institute (ANSI) standard for the manufacturer of alarm panels that are specifically designed to reduce user initiated false alarms.

ECV: ANSI/CSAA-CS-V-01. An American National Standards Institute (ANSI) approved standard for the telephone verification of intrusion signals, requiring a minimum of two phone calls to two different phone numbers prior to requesting a response to an alarm site. This does not apply to silent alarms such as panic or holdup and does not apply to fire signals.

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FALSE ALARM. Any activation of an alarm eliciting a response by police or fire personnel, when a situation requiring a response does not in fact exist. It does not include activation for testing purposes, when the Police Department has been given advance notice of such testing. It also does not include activation caused by Police Department or Fire Department personnel.

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HEARING OFFICER. An employee with the City of Sierra Vista, designated by the City Manager, to review appeals of alarm ordinance violations in order to either affirm the decision of

the Alarm Coordinator, reverse the decision in whole or in part, or return the case to the Alarm Coordinator with a recommendation to bill the Alarm Subscriber for the alleged violations.

MONITORED ALARM. An alarm system that transmits signals to an alarm business or monitoring agency for the purpose of alerting public safety personnel.

MONITORING AGENCY. Any person or organization, including but not limited to, alarm businesses, answering services or governmental agencies that are legally or contractually responsible for monitoring one or more alarm systems in the jurisdiction.

NON-MONITORED ALARM SYSTEM. Those alarms that are not monitored by a monitoring agency and depend on local audible devices to summon help.

~~**PRIMARY ALARM USER.** The person or persons who contracts for the lease, purchase or rental of an alarm system; or who is responsible for the premises where an alarm system is located; or otherwise arranges for the installation or service of an alarm system.~~

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RESPONDING PARTY. The person or persons designated by the Alarm User or Alarm Subscriber to respond to the alarm site during alarm activations to make contact with the police.

SELF-INSTALLER. Any property owner, proprietor, partnership, or corporation who may elect to install its own alarm system. A **SELF-INSTALLER** will be liable for all provisions of this chapter the same as an alarm business except for registering with the State Board of Technical Registration.

(B) *Alarm definitions.* This alarm definition list was prepared by members of the Public Safety Committee of the ABFAA to provide all users with general guidelines for the various industry terms to facilitate improved communications and expedite response.

BURGLARY/INTRUSION. A signal received from a monitored alarm that indicates a forced or unauthorized entry. Can be used for either commercial or residential, and can be audible or silent.

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DUAL ACTION PANIC/HOLDUP DEVICES. All devices intended to initiate a silent alarm such as holdup, duress, ambush or robbery shall be of dual action design.

FIRE. A signal received from a monitored alarm that indicates fire, smoke, heat, or water flow through a sprinkler system. These detectors may be connected directly to the alarm system which will automatically activate the alarm or the alarm can be manually activated. Is used for commercial and residential, and is primarily an audible signal.

MEDICAL. A signal received from a monitored alarm that is manually activated and indicates a medical emergency. This alarm is normally a residential alarm, and the signal is primarily audible.

PANIC/HOLDUP. A signal received from a monitored alarm to indicate a manual activation designed for the detection of a robbery, hold up or the commission of an unlawful act at the alarm location, false activation of which can only be construed as user error.

~~(C) Other definitions/terms:~~

- ~~— Ambush— Same police response as Panic~~
- ~~— Bad Code/Password— Same police response as Panic~~
- ~~— Duress— Same police response as Panic~~
- ~~— Emergency— Same police response as Panic~~
- ~~— Perimeter— Same police response as Burglary/Intrusion~~
- ~~— Robbery— Same police response as Hold-up~~
- ~~— Safe, commercial— Same police response as Hold-up~~
- ~~— Safe, residential— Same police response as Panic~~

(Ord. 1002, passed 3-14-96; Am. Ord. 2008-003, passed 1-10-08)

§ 117.03 ALARM BUSINESSES.

~~(A) License required. No person shall engage in the activities of an alarm business in the city without having first obtained a license as provided by this chapter. The following license requirements shall be followed:~~

- ~~(1) Effective the date of adoption of this ordinance, no person shall engage in the activities of an alarm business in the city without having first obtained a certificate of license from the State Board of Technical Registration. A copy of the certificate of license will be filed with the City when submitting an application for a business permit to do business within the city limits. Failure to comply with state licensing provisions will be cause for revocation of the City business permit.~~
- ~~(2) Effective the date of adoption of this ordinance, any person wishing to engage in the activities of an alarm business within the city limits shall obtain a City business permit as per Chapter 110 of the City of Sierra Vista Code of Ordinances.~~

~~—(B) *Duration of license.* Licenses issued pursuant to this section shall be for a period of one year and shall be renewable annually, subject to the terms and conditions provided in this section.~~

~~—(C) *Fees.* Fees for initial license application or renewal shall not be refundable, transferable or prorated. The following fees shall apply to alarm business licenses and shall accompany the initial application or renewals.~~

~~— Initial license application — \$ 10~~

~~— Initial annual license and annual renewal — \$ 10~~

~~— Criminal history investigation (initial only) — \$ 25~~

~~—(D) *Application.* Alarm businesses who maintain an alarm business license issued by another competent jurisdiction within the state of Arizona may obtain a license in Sierra Vista by submitting an application, proof of license and a \$10 fee to the City Clerk's office.~~

~~—(E) *Contents of application.* Application for an alarm business license or a license renewal shall be made to City Clerk's office, upon forms prepared and approved by the Police Department, and shall contain the following information:~~

~~— (1) The applicant for an alarm business license shall be the proprietor if a proprietorship, all operating partners if a partnership, the highest ranking officer responsible for Arizona operations if a corporation;~~

~~— (2) Name and address of all partners or corporation officers respectively if a partnership or corporation;~~

~~— (3) Name, business location, mailing address and telephone number of the alarm business;~~

~~— (4) A description of the applicant's previous experience in activities similar to those for which the license application is submitted;~~

~~— (5) The name, address and telephone number of the local manager or managing officer if a partnership or sole proprietorship, or statutory agent if a corporation; and~~

~~— (6) Copy of a current Arizona State Contractor's License (C-12 and/or L-67) as evidence that the applicant has certified to a minimum experience level and has met state requirements for the understanding of basic business practices.~~

~~—(F) *Fingerprints and photographs of applicant.* The applicant, as defined above, shall apply in person at the offices of the Police Department for the purpose of providing fingerprints and/or photographs. Applicants, as defined above, who normally reside outside the state of Arizona may appear at a local police authority offices, as specified by the alarm coordinator, for the purpose of obtaining fingerprints and/or photographs.~~

~~—(G) *Criminal record check.* Each applicant shall submit a full set of fingerprints to the Police Department for the purpose of obtaining a state and federal criminal records check pursuant to A.R.S. § 41-1750 and federal Public Law § 92-544. The Arizona Department of Public Safety is authorized to exchange fingerprint data with the Federal Bureau of Investigation.~~

~~—(H) *Denial of license.* Reasons for denial of an alarm business license are the following;~~

~~— (1) The applicant has been previously convicted, in any jurisdiction, of a felony involving fraud, theft, assaultive conduct, or moral turpitude. Conviction by any court of competent jurisdiction or a plea of "no contest" is conclusive evidence of the commission;~~

~~— (2) False or misleading information was given in any license application, request for renewal or was submitted in support of such application or request, or the application failed or refused to make full disclosure of all required information;~~

~~— (3) The applicant is not a United States citizen or lawful permanent resident alien;~~

~~—(4) The coordinator has reasonable grounds to believe that the licensee has shown a pattern of repeated non-compliance or disregard for the provisions of this chapter.~~

~~—(5) See § 117.06 for appeals procedure.~~

(4B) *Equipment standards.* The following equipment standards, technical standards, and standards of operation shall be followed by the alarm business or ~~any individual installing an alarm system~~ self-installer:

(1) All alarm systems shall be installed using good workmanship and shall be designed to reduce false alarms;

(2) ~~Control panels, motion detectors, smoke detectors, photoelectric beams and glass breakage detectors shall be Underwriters Laboratories (UL) or Factory Mutual (FM) approved or pending approval. Existing control panels, motion detectors, smoke detectors, photoelectric beams and glass breakage detectors shall be Underwriters Laboratories (UL) or Factory Mutual (FM) approved or pending approval. Upon the effective date of this ordinance, all new and service replacement panels shall comply with the ANSI/SIA CP-01 Control Panel Standard and all panic or holdup devices shall be of dual action design;~~

~~(3) Alarm systems shall be designed to alert the user of possible system problems when the user tests or attempts to activate the system;~~

(43) Audible alarm systems shall be designed to emit audible sounds no longer than ~~15~~ 10 minutes from the time the alarm is activated;

(54) No person or business shall use, or cause to be used, any automatic dialing device that:

- (a) Automatically selects a public safety or emergency services telephone line (911) of the Sierra Vista Police Department;
- (b) Prevents termination of a call by public safety or emergency service personnel; or is programmed to transmit directly to any public safety facility.

(c) Is programmed to transmit directly to any public safety facility.

(65) No alarm business or self-installer shall place in service or monitor an alarm system that is known to be defective or contains defective components. The alarm business or self-installer is responsible for inspecting the alarm system and for determining, to the best of their ability, that the system is operating as designed, and will not be a source of additional false alarms caused by system or component failure prior to placing the system in service or commencing monitoring services.

~~—(J) Alarm business responsibilities. The following are responsibilities of any alarm business conducting alarm activities in Sierra Vista:~~

~~—(1) An alarm business that installs an alarm system shall provide the primary alarm user with complete instruction, including specific written operating instructions or a videotape presentation of the same, that provides reasonable guidelines to aid the user in correctly using the alarm system installed by the alarm business. Documentation of such training shall be retained~~

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by the alarm business as long as the business services, maintains or monitors the alarm system for the primary alarm user.

—(2) Upon completion of the installation of a new alarm system, the alarm business shall immediately notify the primary alarm user of:

- (a) The need for an alarm permit for any system, monitored or non-monitored;
- (b) The intent of the Police Department and Fire Department to reduce false alarms and the important aspects of the fine assessment process; and
- (c) The existence of this chapter and how to obtain a copy.

—(3) At the completion of the installation of an alarm system, the alarm business shall inspect and test all equipment and features, and take, or cause to be taken, corrective action necessary to prevent the occurrence of false alarms. The results of such tests and corrective actions shall be documented and maintained by the alarm business as long as services or monitoring is provided to users of the alarm system.

—(4) An alarm business which leases, monitors or services an alarm system with an audible sounding device shall conspicuously place on the outside of the premises a sign or decal identifying the alarm business and the telephone number to reach the alarm business. The telephone number shall be updated as necessary to reflect accurate, current information.

—(5) Attempt to arrange for either the alarm subscriber, responsible party or alarm agent go to the premises of an activated alarm system within 30 minutes notification of need, in order to be able to assist the Police Department or Fire Department personnel in determining the reason for activation and the securing of the premises.

—(6) Promptly notify the alarm coordinator in the event the alarm business ceases to lease, rent, maintain, service or monitor any alarm system. Said notice shall be sent within 30 days of the date service or responsibility is discontinued.

(C) Duties of Alarm Installation Company and Monitoring Company. The following are responsibilities of any alarm business conducting alarm activities in Sierra Vista:

- (1) The Alarm Installation Company shall provide written and oral instructions to each of its Alarm Users in the proper use and operation of their Alarm Systems. Such instructions will specifically include all instructions necessary to turn the Alarm System on and off and to avoid False Alarms.
- (2) Upon the effective date of this Ordinance, Alarm Installation Companies or Self-Installer shall not program Alarm Systems so that they are capable of sending One Plus Duress Alarms. The Alarm Installation Company or Self-Installer shall remove the One Plus Duress Alarm feature from Alarm Systems whenever an alarm technician is at the alarm site or otherwise accessing the panel for reprogramming purposes.
- (3) Upon the effective date of this Ordinance, Alarm Installation Companies or Self-Installers shall not install a device to activate a Holdup Alarm, which is a single action, non-recessed button.

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(4) Upon enactment of this Ordinance, the Alarm Installation Companies or Self-Installers shall use only ANSI/SIA CP-01 listed alarm control panels on all new installations and panel replacements or upgrades.

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(5) An Alarm Installation, Self-Installer, or Monitoring Company shall not use Automatic Voice Dialers.

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(6) The Monitoring Company or Self-Installer shall not make an Alarm Dispatch Request of a law enforcement agency in response to a burglar alarm signal, excluding Panic, Duress and Holdup signals, during the first seven (7) days following an Alarm System installation. The Alarm Coordinator may grant an Alarm User's request for an exemption from this waiting period based upon a determination that special circumstances substantiate the need for the exemption.

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(7) A Monitoring Company or Self-Installer shall:

(a) report alarm signals by using telephone numbers designated by the Alarm Coordinator; verify every alarm signal, except a Duress or Holdup Alarm activation, before initiating an Alarm Dispatch Request.

(b) communicate Alarm Dispatch Requests to the municipality in a manner and form determined by the Alarm Coordinator;

(c) communicate cancellations to the municipality in a manner and form determined by the Alarm Coordinator;

(d) ensure that all Alarm Users of Alarm Systems equipped with a Duress, Holdup, or Panic Alarm are given adequate training as to the proper use of the Duress, Holdup or Panic Alarm;

(e) communicate any available information (north, south, front, back, floor, etc.) about the location on all alarm signals related to the Alarm Dispatch Request;

(f) communicate the nature of the alarm (i.e.: burglary, robbery, panic, duress, silent, audible, interior or perimeter);

(g) after an Alarm Dispatch Request, promptly advise the law enforcement agency if the Monitoring Company or Self-Installer knows that the Alarm User or the Responding Party is on the way to the Alarm Site;

(h) for Alarm Monitoring Companies, attempt to contact the Alarm User or Responder within 24 hours via mail, fax, telephone or other electronic means when an Alarm Dispatch Request is made; and

(i) upon the effective date of this Ordinance, Monitoring Companies must maintain for a period of at least one (1) year from the date of the Alarm Dispatch Request, records relating to Alarm Dispatch Requests. Records must include the name, address and telephone number of the Alarm User, the Alarm System Zone(s) activated, the time of Alarm Dispatch Request and evidence of an attempt to verify. The Alarm Coordinator may request copies of such records for individually named Alarm Users. If the request is made within sixty (60) days of an Alarm Dispatch Request, the Monitoring Company shall furnish requested records within three (3) business days of receiving the request. If the records are requested between sixty (60) days to one (1) year after an Alarm Dispatch Request, the Monitoring Company shall furnish the requested records within thirty (30) days of receiving the request.

(8) An Alarm Installation Company and/or Monitoring Company that purchases Alarm System accounts from another person or entity shall notify the Alarm Coordinator of such purchase and provide details as may be reasonably requested by the Alarm Coordinator.

(9) Each Alarm Installing Company, Self-Installer, and Alarm Monitoring Company must designate one individual as the Alarm Response Manager (ARM) for the company who will manage alarm related issues and act as the point of contact for the Alarm Coordinator. The appointed individual must be knowledgeable of the general provisions of the Ordinance, as well as have the knowledge and authority to deal with false alarm issues and respond to requests from the Alarm Coordinator. The name, phone number, and email address of the designated ARM must be provided to the Alarm Coordinator.

(10) Any time an alarm is installed, re-installed, removed, or customer information is updated, the Alarm Installation Company, Self-Installer, or Monitoring Company, shall provide the Alarm Coordinator the customer information listed below:

- (a) Name of Alarm User
- (b) Physical address of installed alarm.
- (c) Mailing address of Alarm User.
- (d) Telephone contact information for Alarm User.
- (e) Name and telephone numbers of any and all possible Responding Parties.

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(Ord. 1002, passed 3-14-96; Am. Ord. 1145, passed 8-8-02; Am. Ord. 2008-003, passed 1-10-08)

~~§ 117.04 ALARM SUBSCRIBERS AND OWNERS.~~

~~—(A) *Permit required.* All alarm subscribers and owners shall, within ten days of completion of installation of a new alarm system, or within ten days of the placing in service of an existing alarm system, obtain an alarm user's permit from City Hall.~~

~~—(1) If an alarm subscriber or owner fails to obtain a permit as provided herein above, the alarm coordinator shall notify them that an assessment in the amount of \$50 for each alarm, resulting in the dispatch of Police Department or Fire Department personnel, will be charged until such time as the permit is obtained. All such service fees must be paid in full before a permit will be issued, and/or a business license will be renewed.~~

~~—(2) If an alarm subscriber or owner operates an alarm system in Sierra Vista, resulting in the response of Police Department or Fire Department personnel, after having a permit revoked as provided herein, an assessment of \$100 for each alarm response will be charged.~~

~~—(B) *Duration of permit.* Permits issued pursuant to this section shall expire on June 30 and shall be renewable every year on July 1, subject to the terms and conditions provided in this section.~~

~~—(C) *Fees.*~~

~~—(1) Fees for initial permit application or renewal shall not be refundable or prorated. Permits may not be transferred from person to person or from address to address. The following fees shall apply to alarm user permits and shall accompany initial application or renewals:~~

~~— Initial permit application—\$10~~

~~— Annual renewal, no chargeable false alarms during the previous year—\$10~~

~~— Annual renewal, no chargeable false alarms during the previous three years—\$0~~

~~—(2) If a residential alarm subscriber or owner is over the age of 65 and is the primary resident of the residence, and if no business is conducted in the residence, a User Permit may be obtained from the coordinator without the payment of a fee.~~

~~—(D) *Owner permit application.* Application for an alarm permit or renewal must be made by the alarm subscriber or alarm owner at the City Clerk's office, upon forms prepared and approved by the Police Department, and shall contain the following information:~~

~~—(1) Name, address and telephone number of the applicant and the primary user (if different);~~

~~—(2) Location of the alarm system and types of emergencies reported by the system, and which features are audible and which are silent;~~

~~—(3) Name of the alarm business installing and/or servicing, inspecting, maintaining and/or monitoring the alarm system;~~

~~—(4) Date of installation if a new alarm system, or date of last inspection if not a new installation;~~

~~—(5) Certification that the primary user and all others authorized control the system have been properly trained in the use of the system by an alarm business, the subscriber or by the proprietor of the system; and~~

~~—(6) The name of at least one alternative responsible party who can be notified to assist the Police Department or Fire Department personnel as set forth herein above.~~

~~—(E) *Duties of alarm subscribers.* The following are the duties and responsibilities of all alarm subscribers, alarm owners or primary users operating alarm systems in Sierra Vista:~~

~~—(1) To inactivate, or cause to be inactivated, an audible alarm within 15 minutes of notification of its activation;~~

- ~~—(2) Train, or cause to be trained, any and all persons who might have reason and authority to control the alarm system in the proper operation of the system;~~
- ~~—(3) To inform persons who are authorized to place the alarm system into operation of the provisions of this chapter, emphasizing the importance of avoiding false alarms;~~
- ~~—(4) To notify the alarm coordinator when the alarm is deactivated, the alarm business is changed, or the applicant has moved from the location of the alarm system and is no longer responsible for its operation;~~
- ~~—(5) To maintain, or to cause to be maintained, the alarm system in good working order, and to take reasonable measures to prevent the occurrence of false alarms; and~~
- ~~—(6) To inspect, or cause to be inspected, the alarm system at least once each 12 months, as a means to prevent activations resulting in false alarms.~~

(Ord. 1002, passed 3-14-96; Am. Ord. 2008-003, passed 1-10-08)

§ 117.04 DUTIES OF THE SELF-INSTALLER/ALARM USER

A. A Self-Installer/Alarm User shall:

- (1) maintain the Alarm Site and the Alarm System in a manner that will minimize or eliminate False Alarms;
- (2) maintain an up-to-date list of Responding Parties with the Alarm Installation or Monitoring Company, or in the case of a Self-Installer, the Alarm Coordinator;
- (3) make every reasonable effort to have a Responding Party respond to the Alarm Site location within twenty (20) minutes when requested by the law enforcement agency in order to:
 - (a) deactivate an Alarm System;
 - (b) provide access to the Alarm Site; and/or
 - (c) provide alternative security for the Alarm Site.
- (4) not activate an Alarm System for any reason other than an occurrence of an event that the Alarm System was intended to report.

B. A Self-Installer/Alarm User shall adjust the mechanism or cause the mechanism to be adjusted so that an audible alarm signal of an Alarm Site will sound for no longer than ten (10) minutes after being activated.

C. A Self-Installer/Alarm User shall not use Automatic Voice Dialers.

D. A Self-Installer/Alarm User shall maintain at each Alarm Site, a set of written operating instructions for each Alarm System.

E. All Self-Installers/Alarm Users shall agree to go through an "acclamation period" for the first seven (7) days after installation of an Alarm System during which time the Alarm Installation Company and/or Monitoring Company will have no obligation to, and will not respond to any Alarm Signal from the Alarm Site, excluding Panic, Duress and Holdup signals, and will not make an Alarm Dispatch Request to law enforcement, even if the Alarm Signal is the result of an actual alarm event. The Alarm Coordinator may grant an Self-Installer/Alarm User's request for an exemption from this waiting period based upon a determination that special circumstances substantiate the need for the exemption.

F. This Section applies to all individuals and firms, who have installed and/or monitor their own Alarm System.

§ 117.05 FALSE ALARM ASSESSMENTS ~~AND PERMIT REVOCATION.~~

~~(A) (1) Newly leased, rented, purchased and/or monitored alarm systems shall not be subject to the provisions of this section relating to the counting and assessment of false alarms for a "grace period" of 30 days from the date the alarm system becomes operational.~~

~~(2) The grace period shall apply only if the alarm subscriber or proprietor notifies the coordinator in writing within ten days of the completion of installation or reinstallation. The written notice shall specify the date the system was installed or reinstalled. Notification should be mailed to the attention of the alarm coordinator at:~~

- ~~_____ Sierra Vista Police Department~~
- ~~_____ 911 N. Coronado Dr.~~
- ~~_____ Sierra Vista, AZ 85635~~

~~A. For reinstalled alarm systems, the notice shall also describe the nature and extent of the reinstallation, and how the reinstallation relates to any previous false alarm history.~~

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(A) The Self-Installer or Monitoring Company shall not make an Alarm Dispatch Request of a law enforcement agency in response to a burglar alarm signal, excluding Panic, Duress and Holdup signals, during the first seven (7) days following an Alarm System installation. The Alarm Coordinator may grant an Alarm User's request for an exemption from this waiting period based upon a determination that special circumstances substantiate the need for the exemption.

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(B) Any alarm system which has ~~four or more more than two~~ false alarms during July 1 through June 30 shall be subject to assessment ~~as provided herein~~ fee according to the False Alarm Assessment Fee Schedule set by the City Manager. The Alarm Coordinator will review the False Alarm Assessment Fee Schedule on a yearly basis for best practices and forward a recommendation for the fee schedule to the City Manager through the Chief of Police.

(1) The aAlarm eCoordinator shall notify the aAlarm sSubscriber or owner-User by regular mail when Police Department records indicate that an alarm system has produced ~~three~~two false alarms.

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(2) When an alarm system produces three or more false alarms, the City of Sierra Vista will mail a false alarm assessment fee per the False Alarm Assessment Schedule by regular mail to the Alarm User's address on record. The Alarm User has 10 days to request an Alarm Coordinator's Review of the assessment fee per § 117.05(E) or pay the assessment fee within the allotted time specified.

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(3) The Alarm Coordinator may, with the approval of the Chief of Police, revoke the Alarm User's privilege to have a police response for burglary/intrusion alarms at any time after the 10th false alarm. This revocation will not affect a police response for panic/holdup, medical, or fire alarms. The Alarm User has 10 days to request an Alarm Coordinator's Review of the revocation per § 17.05(E).

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~~— (2) The alarm coordinator shall notify the alarm user by regular mail when Police Department records indicate that an alarm system has four false alarms, and direct that a report be submitted to the coordinator within ten days, containing:~~

~~— (a) A description of the action taken, or to be taken, to discover and eliminate the cause of the false alarms;~~

~~— (b) Specific defenses, if any, why the alleged false alarms should not be considered false alarms. Evidence that a false alarm was caused by Acts of God, common cause or action of the telephone company shall constitute affirmative defenses to an assessment for the particular false alarm;~~

~~— (c) If the report above is not received by the alarm coordinator, any notified party shall be deemed to have waived their rights to any further review or hearing, as provided herein, and the alarm subscriber or proprietor operating the offending alarm system will be assessed pursuant to this section;~~

~~— (d) If the report is submitted, the alarm coordinator shall review the corrective action taken, or to be taken, to discover and eliminate the cause of the false alarms, and the specific defenses, if any, set forth in the report. If it is determined that the corrective action taken, or to be taken, will substantially reduce the likelihood of false alarms, or that a valid defense to the initial determination of false alarm has been accepted, a notice will be sent to the alarm subscriber or proprietor that no assessment will be made at that time. The notice shall specifically set forth the findings and conclusions of the coordinator with respect to the review of the report submitted;~~

~~— (e) If the alarm coordinator determines that the action taken, or to be taken, will not substantially reduce the likelihood of false alarms, or that a defense to the initial determination of false alarms has not been alleged or accepted, a notice shall be sent by certified mail to the alarm subscriber or owner that they will be assessed a false alarm assessment pursuant to this section. The notice of decision shall contain the specific findings and conclusions of the alarm coordinator with respect to the review report submitted.~~

~~— (3) The alarm coordinator shall also provide notice to the appropriate alarm provider business when an alarm subscriber of that business is being assessed for false alarms:~~

~~— (C) (1) Assessments imposed pursuant to this section shall be as follows:~~

~~— Assessment for each false alarm, fourth through ninth — \$50~~

~~— Assessment for each false alarm, tenth through 14th — \$75~~

~~— Assessment for each false alarm, 15th and all subsequent — \$100~~

~~— Assessment for each false Panic/Holdup alarm over two — \$100~~

(24) All such assessment monies shall be deposited into the eCity of Sierra Vista General Fund.

~~—(3) The alarm coordinator may revoke an alarm user's permit at any time after the occurrence of the 15th false alarm.~~

~~—(D) If the alarm subscriber or owner fails to pay the assessment within the time provided after receipt of written notification from the alarm coordinator, as provided in this section, the coordinator may summarily revoke the alarm user's permit.~~

~~—(E) An alarm user whose permit has been revoked shall be furnished written notification, certified mail, of such revocation, and shall, within three days after the receipt of such written notification, discontinue the use of the alarm system, or the alarm coordinator may assess charges against the alarm user as noted in § 117.04(A)(2) above.~~

~~—(F) The alarm business license of any alarm business operating within Sierra Vista may be revoked by the Chief of Police, upon recommendation of a hearing officer and the alarm coordinator, for the following reasons:~~

~~—(1) Failure to pay assessments resulting from the findings of a hearing officer;~~

~~—(2) The applicant is convicted of a felony; or~~

~~—(3) The alarm coordinator has reasonable grounds to believe that the licensee has shown a pattern of repeated non-compliance or disregard for the provisions of this chapter.~~

~~—(G) False Alarm Prevention Program.~~

~~—(1) The Police Department or Fire Department may provide an educational program for the prevention of false alarms. The Police Department shall allow an alarm subscriber or proprietor alarm owner to attend any false alarm prevention program for the purposes provided in this section. Each person who attends the False Alarm Prevention Program shall pay a fee of \$10. The Police Department or Fire Department shall collect said fee before or at the time of a person's attendance at the program.~~

~~—(2) If an alarm subscriber or proprietor alarm owner successfully completes the False Alarm Prevention Program, the Police Department or Fire Department shall issue the person a certificate. The certificate may be used in lieu of payment of one \$50 assessment imposed pursuant to division (C) of this section, provided that the certificate is submitted with a report (division (B)(2) of this section) of the initial determination of false alarm, and that the certificate is submitted within one year of its issuance.~~

~~B. —(3) An alarm subscriber or proprietor alarm owner who attends any False Alarm Education Program provided pursuant to this section is not eligible to attend a False Alarm Prevention Program again within 12 months from the day on which the person last attended the program.~~

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(C) If the Alarm Subscriber or User fails to pay the assessment within the time provided after receipt of written notification from the City as provided in this section, the Coordinator, with the approval of the Chief of Police, may revoke the Alarm Subscriber or User's privilege to have a police response for burglary/intrusion alarms. This revocation will not affect a police response for panic/holdup, medical, or fire alarm.

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(1) An Alarm Subscriber or User whose privilege has been revoked shall be furnished written notification, certified mail, of such revocation, and shall, within three days after the receipt of such written notification, discontinue the use of the alarm

system. The Alarm Subscriber or User has 10 days to request an Alarm Coordinator's review of the revocation per § 117.05(E) or pay the assessment fee.

(D) Alarm Coordinator's Review. If the Alarm Subscriber, User or Alarm Company wishes the Alarm Coordinator to conduct a review of the alarm assessment or privilege revocation, they shall submit a report to the Alarm Coordinator within 10 business days of receiving the notification. The report shall contain the following:

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- (1) If applicable, a description of the action taken, or to be taken, to discover and eliminate the cause of the false alarms;
- (2) If applicable, specify why the alleged false alarms should not be considered false alarms. Evidence that a false alarm was caused by Acts of God, common cause, or action of the telephone company shall constitute affirmative defenses to an assessment for the particular false alarm;
- (3) If the report above is not received by the Alarm Coordinator, any notified party shall be deemed to have waived their rights to any further review, as provided herein, and the alarm subscriber or proprietor operating the offending alarm system will be assessed pursuant to this section;
- (4) If the report is submitted, the Alarm Coordinator shall review the corrective action taken, or to be taken, to discover and eliminate the cause of the false alarms, and the specific defenses, if any, set forth in the report. If it is determined that the corrective action taken, or to be taken, will substantially reduce the likelihood of false alarms, or that a valid defense to the initial determination of false alarm has been accepted, a notice will be sent to the Alarm Subscriber or User that no assessment will be made at that time. The notice shall specifically set forth the findings and conclusions of the coordinator with respect to the review of the report submitted;
- (5) If the Alarm Coordinator determines that the action taken, or to be taken, will not substantially reduce the likelihood of false alarms, or that a defense to the initial determination of false alarms has not been alleged or accepted, a notice shall be sent by certified mail to the Alarm Subscriber or User that they will be assessed a false alarm assessment pursuant to this section. The notice of decision shall contain the specific findings and conclusions of the Alarm Coordinator with respect to the review report submitted.
- (6) Decisions by the Alarm Coordinator during the Alarm Coordinator's Review may be appealed as per § 117.06.

(E) Business License Revocation.

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1. The Chief of Police, or his designee, upon recommendation of the Alarm Coordinator, may recommend to the City Clerk the revocation of the Alarm Company's business license for the following reasons:

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a. Failure to pay assessments resulting from the findings the Alarm Coordinator;

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b. The Alarm Company owner or employees are convicted of a felony;

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c. The Alarm Company is not registered with the State Board of Technical Registration; or

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d. The Alarm Coordinator has reasonable grounds to believe that the licensee has shown a pattern of repeated non-compliance or disregard for the provisions of this chapter.

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2. Actual business license revocation will follow the procedure outlined in Chapter 110.

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(Ord. 1002, passed 3-14-96; Am. Ord. 2008-003, passed 1-10-08)

§ 117.06 APPEAL PROCEDURE.

- (A) Any aAlarm Subscriber, uUser or aAlarm business aggrieved by a decision of the aAlarm eCoordinator made pursuant to this chapter, may, within ten days of receipt of notice of the decision, appeal to a hearing officer designated by the City Manager. A copy of the appeal request shall be sent to the alarm coordinator and to the alarm business, if any. The primary purpose of the chapter shall be to reduce false alarms and the Police Department and Fire Department's costs in responding to such activations, not to collect revenue.
- (B) The request for an appeal shall set forth the specific objections to the decision of the aAlarm eCoordinator which form the basis of the appeal. Specific objections may include;
- (1) Acts of God;
 - (2) Common cause;
 - (3) Action of the telephone company;
 - (4) Actual emergency situations;
 - (5) Police Department personnel did not arrive at the premises;
 - (6) The cause of the false alarms has been addressed and sufficient changes have been made to prevent future false alarms;
 - (7) User certification that the alarm business (if a subscriber of an alarm business) failed to follow requirements of § 117.03(~~4B~~).
- (C) The hearing officer shall review the subscriber's objections to coordinator's notice of decision within ten working days of receipt of the appeal request. All assessments shall be

stayed until completion of the review. The decision of the hearing officer shall be based upon the evidence presented and shall pertain to that hearing only.

(D) The hearing officer shall make one of the following rulings:

- (1) Affirm the decision of the ~~a~~Alarm ~~e~~Coordinator, in which case any assessment or permit revocation imposed pursuant to this chapter shall be sustained; or
- (2) Reverse the decision of the ~~a~~Alarm ~~e~~Coordinator, in whole or in part, in which case no assessment shall be imposed; or
- (3) Return the case to the ~~a~~Alarm ~~e~~Coordinator with a recommendation, based on evidence submitted, that the proximate cause of the false alarms was the failure of the alarm business to adhere to § 117.03(~~4B~~), in which case an assessment may be charged by the ~~a~~Alarm ~~e~~Coordinator to the ~~a~~Alarm ~~b~~Business; or after repeated such findings, that the business license of the offending alarm business could be revoked.

(Ord. 1002, passed 3-14-96; Am. Ord. 2008-003, passed 1-10-08)

§ 117.07 GENERAL REGULATIONS.

- (A) It shall be unlawful for any person to intentionally activate any alarm or alarm system or cause signals to be transmitted to a ~~m~~Monitoring ~~a~~Agency indicating the activation of an alarm system for any reason other than to warn of an actual emergency. This section shall not apply to the testing of alarms or alarm systems by the ~~i~~nstalling or ~~m~~Monitoring ~~a~~Alarm ~~b~~Business or by the ~~a~~Alarm ~~u~~User, providing, however, that the Police Department has been appropriately notified of the test.
- (B) The information furnished by an ~~a~~Alarm ~~b~~Business or by an ~~a~~Alarm ~~u~~User to the ~~a~~Alarm ~~e~~Coordinator pursuant to this chapter shall be confidential and shall not be subject to public inspection.
- (C) The ~~e~~City of Sierra Vista shall not be liable for any failure to respond upon receipt of an alarm notification in the event the Police Department finds it necessary to order the revocation of a permit which necessitates discontinuing the use of an alarm or alarm system, the ~~e~~City of Sierra Vista shall incur no liability by such action.
- (D) This chapter shall apply to all governmental agencies and facilities, including but not limited to, offices and agencies of the ~~e~~City of Sierra Vista, to the extent necessary to recover cost incurred.

(Ord. 1002, passed 3-14-96; Am. Ord. 2008-003, passed 1-10-08)