Article 9-3 **ALARM SYSTEMS** [651]

9-3-1 Purpose
9-3-2 Definitions
9-3-3 Applicability
9-3-4 Administration
9-3-5 Notices
9-3-6 Limitation of Liability
9-3-7 Alarm Business Responsibility for Notifying Public Safety Personnel
9-3-8 Alarm User Responsibilities
9-3-9 False Alarm Warnings and Fines/Assessments
9-3-10 False Alarm Dispute and Review
9-3-11 Appeal Procedures
9-3-12 Decision of Town Manager
9-3-13 Offenses; Penalty

Section 9-3-1 Purpose

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 Article is intended to encourage the improvement in reliability of alarm systems, devices, and services, and to ensure that Town Police personnel will not be unduly diverted from responding to actual criminal activity as a result of false alarms.

Section 9-3-2 Definitions

The following words, terms and phrases, when used in this Article, 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.

Alarm agent means a person, whether an employee, an independent contractor or otherwise, who acts on behalf of an alarm business and who tests, maintains, services, repairs, sells, rents, leases or installs alarm systems other than an alarm system located on the person's own property or the property of the person's employer.

Alarm business means:
(a) any person who, either alone or through a third party, engages in the business of either of the following:
(i) Providing alarm monitoring services.
(ii) Selling, leasing, renting, maintaining, repairing or installing a non-proprietor alarm system or service.
(b) Does not include any of the following:
(i) A person or company that purchases, rents or uses an alarm that is affixed to a motor vehicle.
(ii) A person who owns or conducts a business of selling, leasing, renting, installing, maintaining or monitoring an alarm that is affixed to a motor vehicle.
(iii) A person who installs a non-monitored proprietor alarm for a business that the person owns, is employed by or manages.
(iv) The installation or monitoring of fire alarm systems.
(v) An alarm system that is operated by a city or town.

Alarm system means (a) any mechanical or electrical device that is designed to emit an audible alarm or transmit a signal or message if activated and that is used to detect an unauthorized entry into a building or other facility or alert other persons of the occurrence of a medical emergency or the commission of an unlawful act against a person or in a building or other facility; (b) includes a silent, panic, holdup, robbery, duress, burglary, medical alert or proprietor alarm that requires emergency personnel to respond; (c) does not include a telephone call diverter or a system that is designed to report environmental and other occurrences and that is not designed or used to alert or cause other persons to alert public safety personnel.

Alarm user means any person who purchases, leases, rents, 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.

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.

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. An activation resulting in a criminal report will not be counted as a false alarm.

False alarm assessment means the second and each additional false alarm generated by a particular alarm user within the same calendar year.

Final notice means a letter sent to advise of a past due amount, which also advises of pending collection activity with a private collection service unless arrangements are made within ten (10) days of receipt.

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

Police means the Town of Paradise Valley Police Department.

Premise(s) means the land, building, facility and/or area intended to be protected by an alarm system.

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

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

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.

Section 9-3-3 Applicability

This Article shall apply to all alarm systems in the Town except:

A. Audible alarms installed in or used in motorized transportation, including but not limited to motor vehicles and boats;
B. Telephone call diverters and systems designed to report environmental and other occurrences that are not intended to alert public safety personnel;
C. Water flow alarms;
D. Manually-activated emergency medical and check welfare alarm systems; and

Stand-alone, battery-operated smoke alarms that are not wired or otherwise connected to an alarm system.

Section 9-3-4 Administration

The administration of this Article, including the duty of prescribing forms, is vested in the Chief of the Paradise Valley Police Department "PVPD", who may delegate responsibility for the enforcement of its terms to a designee.

Section 9-3-5 Notices

A. All notices under this Article shall be in writing. The PVPD may require any notice to be given on a form prescribed by the PVPD.
B. Except for final notices, notices from the Town shall be sent by regular mail to the last address recorded with the Town. In addition, notices may also be electronically-delivered. When the PVPD reasonably believes that the address of record is incorrect, the PVPD may mail the notice to any reasonably current address known to the PVPD, including, but not limited to those shown on any Town permits and the address on a criminal citation, police record, or other report.
C. Final notices shall be 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 the date received or five (5) business days from the date of notice.
E. Notices that are electronically-delivered are deemed given on the date delivered.
F. Compliance with the mailing provisions of this section constitutes valid notice. The Town is not required to prove actual receipt of notice or actual knowledge of a denial or revocation.

Section 9-3-6 Limitation of Liability

The Town is not liable for any failure or neglect:

A. To respond appropriately upon receipt of an alarm system activation, or
B. On the part of any person or business utilizing an alarm system.

Section 9-3-7 Alarm Business Responsibility for Notifying Public Safety Personnel

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. 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 specific location in the premises, identifying the nearest room and its relationship to north, where the alarm system was activated.
2. 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. A 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.

Section 9-3-8 Alarm User Responsibilities

All alarm users within the Town of Paradise Valley shall:

A. 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 by a licensed alarm business to ensure the alarm system is in proper working order.

B. 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.

C. Except for a fire alarm system, assure that any audible alarm is deactivated within ten (10) minutes of activation.

Section 9-3-9 False Alarm Warnings and Fines/Assessments

A. When an alarm system generates a false alarm at any time within a calendar year, PVPD shall send a warning letter to the alarm user that each additional false alarm within the same calendar year will be assessed a false alarm assessment in an amount as set forth in the Town of Paradise Valley Master Fee Schedule. For the second and each additional false alarm within the same calendar year, the alarm user shall be assessed a false alarm assessment in an amount as set forth in the Town of Paradise Valley Master Fee Schedule.

B. No activations shall be counted and no false alarm assessments 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.

C. All false alarm assessments 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.

Section 9-3-1 0 <u>False Alarm Dispute and Review</u>

A. An alarm user may submit a written dispute of a false alarm reported in a False Alarm Warning letter sent by the PVPD.

B. Upon receipt of a false alarm assessment, where false alarm fines/assessments are indicated due, an alarm user may submit a written dispute of the false alarm that generated the false alarm assessment within ten (10) days of the date of the false alarm assessment. The dispute of a false alarm assessment received after thirty (30) days after the date of mailing shall be deemed late, and the rights of dispute and review are waived.

C. The review request shall include:
   1. A statement of the grounds in subsection (D) below that justify waiver of the false alarm assessment,
   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 alarm user intends to rely upon.

D. Grounds for waiver are an act of God or common cause, or an alarm system activation for which the police prepares a departmental criminal report or the fire department prepares a run report with evidence of fire or other emergency.

E. If the activation or false alarm assessment results from a common cause, the PVPD may waive all but one activation or false alarm assessment if the PVPD 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.

F. The PVPD shall give written notice to the alarm user of its findings. If good cause for relief has been shown, the false alarm assessment shall be waived. If the alarm user is still responsible for false alarm assessment(s), the PVPD shall give written notice to the alarm user within ten (10) days of receipt of dispute letter and indicate that the false alarm assessment(s) are due and payable on receipt of the notice.

Section 9-3-11 <u>Appeal Procedures</u>

A. An alarm user aggrieved by the decision resulting from a false alarm or false alarm assessment dispute may appeal to the Town Manager by written request within ten (10) working days of the PVPD's decision. The request shall be filed with the PVPD or the Town Manager's designee.

B. The request for an appeal shall set forth the specific objections to the decision of the PVPD which form the basis of the appeal.

C. The Town Manager shall set a time and place for the hearing as soon as practicable.

D. The hearing shall be informal and shall proceed as determined by the Town Manager, 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.

E. The alarm user and the Town may present witnesses and written evidence subject to any limitation imposed by the Town Manager. The burden of proof to show that the activation or false alarm assessment should be waived is on the alarm user.

Section 9-3-12 Decision of Town Manager

A. The Town Manager's decision shall be based upon the evidence presented and rendered within ten (10) business days of the hearing.

B. If the Town Manager affirms the false alarm assessment(s), the Town Manager shall give written notice to the alarm user, including, if applicable, the amount due and the due date, which shall not be later than ten (10) days after the date of the notice.

C. If the Town Manager finds that grounds exist for waiving the false alarm assessments, the Town Manager 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.

D. The decision of the Town Manager shall be final.

Section 9-3-13 Offenses; Penalty

A. It shall be unlawful for any person to:
   1. Intentionally, knowingly or recklessly activate any alarm system, except to warn of a criminal act or other emergency.
   2. Place into operation, monitor, or use an alarm system that is known to be defective or contains defective components such as depleted batteries.
   3. Install, place into operation, monitor, or use any security device or system that emits any medium that could obscure the premises.

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

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. Violators of the terms of this Article are subject to the provisions set forth in Article 1-9 of the Town of Paradise Valley Code.