

## DIVISION 1. ALARM COMPANY LICENSES

### Sec. 7-449. Applicability.

This article is intended to regulate the activities and responsibilities of those persons who purchase, lease or rent and those persons who own or conduct the business of selling, leasing, renting, installing, maintaining, or monitoring alarm systems, devices or services. It is further intended to encourage the improvement in reliability of these systems, devices and services to ensure that police department personnel will not be unduly diverted from responding to actual criminal activity as a result of responding to false alarms. This article specifically encompasses burglary, robbery and commercial panic alarms, both audible and inaudible (silent). Except as otherwise provided in this article, this article shall not apply to audible alarms affixed to motor vehicles, audible fire alarms, medical alert devices, and alarm systems that are operated by the city, county, state, or federal government and installed on premises which such entity occupies or uses for governmental purposes. However, such entities shall apply for and obtain a registration for each alarm system it operates and the registration will be waived.

### Sec. 7-450. Definitions.

In this article, unless the context otherwise requires:

*Act of God* means an unusual, extraordinary, sudden and unexpected manifestation of the forces of nature, which cannot be prevented by reasonable human care, skill or foresight. Such events include tornadoes, floods, earthquakes, and other similarly violent conditions.

*Alarm administrator* means a person designated by the chief of police under this article to administer, control, and review false alarm reduction efforts and administer the provisions of this article.

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

*Alarm business* means any person that, either individually or through a third party, engages in the business of providing alarm monitoring services or the business of selling, leasing, renting, maintaining, repairing or installing alarm systems, devices or services. Alarm businesses may also monitor alarms.

*Alarm site* means each separate physical location which houses an alarm system. In the instances of an apartment complex or other residential rental property, both the facility and business itself, as well as each individual unit that has an individual alarm system, is an alarm site.

*Alarm system* means a device or series of devices, including but not limited to hardwired systems and systems interconnected with a radio frequency method such as cellular or private radio signals, which emit or transmit a remote or local audible, visual or electronic signal

indicating an alarm condition and intended to summon a public safety response. Alarm system does not include an alarm installed in a vehicle or on someone's person unless the vehicle or personal alarm is permanently located at a site.

*Alarm user* means the owner, lessor, or occupant, agent, employee, operator or manager of property upon which an alarm system is located, as well as a party or person who actually causes a false alarm.

*Alarm user awareness class* means a class conducted for the purpose of educating alarm users about the responsible use, operation and maintenance of alarm systems and the problems created by false alarms.

*Audible alarm* means a device designed for the detection of an unauthorized entry on premises and which when activated generates an audible sound on the premises. For the purposes of this definition, an audible alarm does not include an alarm installed in a vehicle or on someone's person.

*Common cause* means a common technical difficulty or malfunction which causes an alarm system to generate a series of false alarms, all of which occur within a twenty-four (24) hour period. The series of false alarms shall be counted as one (1) false alarm only if the cause of the series of false alarms is repaired before it generates additional false alarms, documentation of the repair is provided to the alarm administrator, and during the thirty (30) day period following the repair, the alarm system generates no additional false alarms from the documented cause.

*Controlling person* means all current officers, managers and directors, and any person who is a stockholder, member, general or limited partner or owner, or who holds more than ten (10) percent of the ownership, management rights, control or claim to the profits of the business. Controlling person does not include current officers, directors or shareholders of stock in any corporation that is traded on a national stock exchange.

*Duress alarm* means an alarm system signal generated by the entry of a designated code into an alarm system in order to signal that the alarm user is being forced to turn off the system and needs law enforcement response.

*Emergency* means the commission or attempted commission of a robbery or burglary, or other crime of violence, or other life/safety issue.

*Enhanced call verification, verify or verification* means two (2) documented attempts by the company monitoring an alarm, or its representative, to contact the site of the alarm and/or the alarm user by telephone and/or other electronic means, whether or not actual contact with a person is made, to determine whether an alarm signal is valid before requesting law enforcement dispatch, in an attempt to avoid an unnecessary request for response. (Excluding a holdup, robbery, panic, or duress alarm activation.)

*False alarm* means an alarm signal, sound or message which results in a response by the police department or fire department where an emergency does not exist, or which is not caused by or is not the result of a criminal act or unauthorized entry.

*Holdup alarm* means an alarm signal generated by the manual activation of a device intended to signal a robbery in progress.

*Licensing authority* means the city finance department, except that when referring to reciprocal licenses, it means the city department or the police department, as applicable, who has the authority to issue licenses pursuant to the reciprocal alarm licensing ordinance of another city or town.

*Medical alert device* means a device designed to help a patient obtain adequate help during a medical emergency.

*Monitoring/monitored alarm* means the process by which a person receives signals from an alarm system and relays a request for response to the police department or fire department for the purpose of summoning response to the alarm site.

*Monitoring company* means a person in the business of providing monitoring services.

*Panic alarm* means any device or system designed to be victim activated to alert others to the existence of an emergency.

*Person* means any natural person, employee, company, firm, partnership, association, corporation, agent, manager, lessor, lessee, operator or entity.

*Primary alarm business license* means a license issued by the licensing authority of a city or town that has adopted the reciprocal alarm licensing ordinance to an alarm business that has its headquarters, main office, corporate office or designated branch of the alarm business located within this state. In the event that an alarm business has its headquarters, main office, corporate office or designated branch in a city or town that does not require the licensing of alarm businesses, the alarm business may apply for a primary alarm business license from any city or town in this state that has adopted the reciprocal licensing ordinance.

*Proprietor alarm* means any alarm or alarm system which is owned by the alarm user and is not maintained or monitored by an alarm business.

*Proprietor alarm owner* means the owner of a proprietor alarm.

*Reciprocal alarm business license* means a license issued by the licensing authority of a city or town that has adopted the reciprocal alarm licensing ordinance, and in which that alarm business conducts business. This license shall be issued only to an alarm business that has a valid primary alarm business license from a similar licensing authority within this state that has adopted the reciprocal alarm licensing ordinance.

*Responsible party* means an individual capable of reaching the alarm site within sixty (60) minutes and having access to the alarm site, the code to the alarm system and the authority to accept responsibility for the alarm site.

*Robbery, holdup or panic alarm* means a device or system designed to be victim activated to alert others to the existence of an emergency.

*SIA control panel standard CP-01* means the ANSI (American National Standard Institute) approved Security Industry Association (SIA) CP-01 control panel standard, as may be updated from time to time, that details recommended design features for security system control panels and their associated arming and disarming devices to reduce the incidence of false alarms. Control panels built and tested to this standard by Underwriters Laboratory (UL), or other nationally recognized testing organizations, will be marked to state: "design evaluated in accordance with SIA CP-01 control panel standard features for false alarm reduction."

*Verify or verification* means two (2) attempts by the company monitoring an alarm, or its representative, to contact the site of the alarm and/or the alarm user by telephone and/or other electronic means, whether or not actual contact with a person is made, to determine whether an alarm signal is valid before requesting law enforcement dispatch, in an attempt to avoid an unnecessary request for response.

**Sec. 7-451. License required.**

A. It shall be unlawful for any person to conduct, operate, engage in or carry on an alarm business, or to engage in the occupation of alarm agent, or represent oneself as an alarm agent, without first having obtained such licenses as are required by this article. A separate license is required for each business name under which an alarm business conducts business or advertises. In the event that the finance director has reasonable cause to believe that an alarm business does not have a valid alarm business license as required by this article, or that a person is engaged in the alarm business without a valid alarm business license, the finance director, with the assistance of the police department, shall issue a warning to the alarm business stating that it is in violation of the provisions of this article. The alarm business receiving such a notice shall not engage in the alarm business until an alarm business license is issued pursuant to this article.

B. The administration of this article, including the duty of prescribing forms, is vested in the finance director. License applications made pursuant to this article shall be submitted to the finance director, which shall have the authority to issue, deny, suspend or revoke a license in accordance with the provisions of this article.

C. The license required by this article shall be in addition to any other licenses or permits required by the city, county or state in order to engage in business. Persons engaging in activities described in this article shall comply with all other ordinances and laws, including the city zoning laws, as may be required to be engaged in the business to be licensed. Failure of any applicant or licensee, as applicable, to meet the requirements of this subsection shall be grounds for denial, suspension or revocation of a license.

D. All licenses issued pursuant to this article shall be for a period of one (1) year from the date of issue and shall be renewable annually, one (1) year from the original date of issue or renewal, as applicable, subject to renewal pursuant to section 7-456.

E. Upon written request and the payment of a ten dollar (\$10.00) fee, the finance director shall issue a duplicate license to a licensee whose license has been lost, stolen or destroyed.

F. It shall be unlawful for an alarm business to use, or to contract with for purposes of using, the services of an unlicensed alarm business or alarm agent.

**Sec. 7-452. Types of licenses; reciprocity.**

A. The types of licenses that may be issued pursuant to this article are as follows.

1. *Primary alarm business license.* A primary alarm business license may be applied for by an alarm business that is physically located within this city, in a jurisdiction that has not adopted this reciprocal alarm license ordinance, or in a jurisdiction outside this state.

2. *Reciprocal alarm business license.* An alarm business, whether physically located within or outside the state, that has a valid primary alarm business license issued by a jurisdiction within this state that has adopted the reciprocal alarm license ordinance, shall be entitled to the issuance of a reciprocal alarm business license upon compliance with the requirements of this article.

3. *Alarm agent license.* A person desiring to engage in the business or occupation of alarm agent shall apply for and receive an alarm agent license from the jurisdiction that issues the primary alarm business license for the alarm business for which the alarm agent is or will be working. A person holding a valid alarm agent license, who desires to work for an alarm business holding a reciprocal alarm license, does not have to obtain a separate license, but shall provide a copy of his or her license, upon request, to the jurisdiction in which the reciprocal license has been issued.

**Sec. 7-453. Alarm business license applications; contents.**

A. All applications for alarm business license made pursuant to this article shall include the following:

1. The name, business address, mailing address and telephone number of the alarm business. If the applicant is a corporation, general or limited partnership, limited liability company, or other legal entity, the name of the applicant shall be set forth exactly as shown in its articles of incorporation, charter, certificate of limited partnership, articles of organization or other organizational documents, as applicable, together with the state and date of incorporation and the names, residence addresses and dates of birth of each controlling person. If one or more of the partners, members or shareholders of the applicant is a corporation or other legal entity, the provisions of this subsection relating to information required of a corporation shall apply.

2. In the event that the applicant is a corporation, general or limited partnership, limited liability company or other legal entity, the applicant shall designate one of its officers, general

partners, or members to act as its responsible managing officer. Such designated person shall complete and sign all application forms required of an individual applicant under this article. The applicant shall provide a copy of the corporation, partnership or limited liability company formation documents.

3. The name of the applicant and each controlling person, any alias or other name used or by which the applicant or any controlling person has been previously known, his or her current residence and business addresses, telephone numbers, including facsimile numbers and e-mail addresses, if applicable.

4. The names and addresses of the alarm agents employed by the alarm business.

5. The residence and business address of the applicant and each controlling person for the five-year period immediately preceding the date of filing of the application and the inclusive dates of each such address.

6. Proof that the applicant and each controlling person is at least eighteen (18) years of age, as indicated on a current driver's license with picture, or other picture identification document issued by a governmental agency.

7. Height, weight, color of eyes and hair and date of birth of the applicant and each controlling person.

8. Two (2) current two-inch by two-inch (2" x 2") photographs of the applicant and each controlling person.

9. The employment history of the applicant and each controlling person for the five (5) year period immediately preceding the date of the filing of the application.

10. Information as to whether the applicant or any controlling person, or the business on behalf of which the license is being applied for, has ever been refused or denied any similar license or permit, or has had any similar permit or license revoked, canceled or suspended, and the reason or reasons for the revocation, denial, cancellation or suspension.

11. Whether or not the applicant or any controlling person has ever been convicted of a crime, regardless of whether the conviction was later set aside or expunged, in any domestic, foreign or military court. "Crime" means any and all felonies, misdemeanors and serious driving offenses, including driving under the influence of intoxicating liquor or drugs, reckless driving, driving on a suspended, revoked, canceled or refused driver license, or any driving offense for which the possible penalty includes jail time. "Crime" does not include minor or civil traffic offenses. "Convicted" means having plead guilty or no contest to a crime, having been found guilty of a crime, or having been sentenced for a crime, whether incarcerated, placed on probation, fined or having received a suspended sentence. An applicant or controlling person shall also answer "yes" to this question, even though he or she has not been convicted of a crime, if the applicant or controlling person is presently pending trial or other court proceeding for a crime.

12. For initial and renewal applications for primary alarm business licenses only, one (1) full set of fingerprints on fingerprint cards, or fingerprint data, as provided in section 7-455 for the applicant and each controlling person. Fingerprints or fingerprint data must be submitted on fingerprint cards provided or approved by the licensing jurisdiction, but may be taken by any law enforcement or other government agency.

13. Copies of the State of Arizona Registrar of Contractor's C-11, C-12 or I-67 license, as applicable, or a copy of the K-67 license for combined residential and commercial, issued to the alarm business applicant, and a copy of the state transaction privilege tax license, if applicable.

14. A list of all Arizona counties, cities and towns where the applicant conducts business.

15. An express agreement by the alarm business that any and all records of the alarm business, whether written or recorded, electronically or otherwise, or in any other form, relating to information required to be supplied to the police department in case of an alarm, shall be made available within three (3) business days upon request for inspection by agents of the police department.

16. A copy of a valid primary alarm business license if the application is made for an original or renewal reciprocal alarm business license.

17. Such other information, evidence, statements or documents as may be deemed by the finance director to be reasonably necessary to process and evaluate the application or renewal.

B. Applicants for primary or reciprocal alarm business licenses, or applicants for renewal of any such licenses, shall notify the finance director, in writing, of any change in the information contained in the license application or renewal application. Notification shall be given to the finance director within fifteen (15) calendar days of the occurrence of the change.

**Sec. 7-454. Alarm agent license applications.**

A. An alarm agent license application shall include the following information about the applicant:

1. The name of the applicant and any alias or other name, used by or by which the applicant has been previously known, his or her current residence and business addresses, telephone numbers, including facsimile numbers, and e-mail addresses, if applicable.

2. The name, business address and business telephone number of the alarm business where the applicant is or will be employed.

3. Proof that the applicant is at least eighteen (18) years of age, as indicated on a current driver license with picture, or other picture identification document issued by a governmental agency.

4. Height, weight, color of eyes and hair and date of birth of the applicant.

5. Two (2) current two-inch by two-inch (2" x 2") photographs of the applicant.
6. The applicant's employment history for the five (5) year period immediately preceding the date of the filing of the application.
7. Information as to whether, in this city or elsewhere, the applicant has ever been refused or denied any similar license or permit, or has had any similar permit or license revoked, canceled, or suspended and the reason or reasons for the revocation, denial, cancellation or suspension.
8. Whether or not the applicant has ever been convicted of a crime, regardless of whether the conviction was later set aside or expunged, in any domestic, foreign or military court. "Crime" means any and all felonies, misdemeanors and serious driving offenses, including driving under the influence of intoxicating liquor or drugs, reckless driving, driving on a suspended, revoked, canceled or refused driver's license, or any driving offense for which the possible penalty includes jail time. "Crime" does not include minor or civil traffic offenses. "Convicted" means having plead guilty or no contest to a crime, having been found guilty of a crime, or having been sentenced for a crime, whether incarcerated, placed on probation, fined or having received a suspended sentence. An applicant shall also answer "yes" to this question, even though he or she has not been convicted of a crime, if the applicant is presently pending trial or other court proceeding for a crime.
9. One (1) full set of fingerprints on fingerprint cards, or fingerprint data, as provided in section 7-455. Fingerprints or fingerprint data must be submitted on fingerprint cards provided or approved by the licensing jurisdiction, but may be taken by any law enforcement or authorized government agency.
10. A list of all Arizona counties, cities or towns where the applicant conducts business.
11. Such other information, evidence, statements or documents as may be deemed by the finance director to be reasonably necessary to process and evaluate the application or renewal.
  - B. Applicants for alarm agent licenses, or applicants for renewal of such licenses, shall notify the finance director, in writing, of any change in the information contained in the license application or renewal application. Notification shall be given to the finance director within fifteen (15) calendar days of the occurrence of the change.

**Sec. 7-455. Background investigation; fingerprints.**

- A. As a condition of the issuance of licenses pursuant to this article, the finance director shall require each applicant and controlling person to furnish one (1) full set of fingerprints, or fingerprint data, to enable the police department to conduct a criminal background investigation to determine the suitability of the applicant or controlling person.
- B. The finance director shall immediately transmit all completed applications to the chief of police, who shall investigate an application and the background of the applicant and make a



recommendation to the director for approval or denial of a license. This recommendation shall be completed within twenty (20) days of receipt of the application. The police department shall submit or electronically transmit all completed fingerprint cards to the department of public safety to conduct a statewide criminal history check. The applicant or controlling person shall bear the cost of conducting the criminal background investigation. The cost shall not exceed the actual cost of obtaining the criminal history information. Criminal history records checks shall be conducted pursuant to A.R.S. § 41-1750 and Public Law 92-544, as amended. The department of public safety is authorized to exchange the submitted fingerprint card information with the Federal Bureau of Investigation for a National Criminal History Records check.

**Sec. 7-456. Fees; display of licenses.**

A. The following fees are non-refundable, nontransferable, and will not be prorated.

1. *Initial license application fee:*

(a) Primary alarm business . . . . . \$200.00

(b) Reciprocal alarm business . . . . . 75.00

(c) Alarm agent . . . . . 70.00

2. *License renewal fee:*

(a) Primary alarm business . . . . . 20.00

(b) Reciprocal alarm business . . . . . 10.00

(c) Alarm agent . . . . . 20.00

3. The current cost of obtaining from the Arizona Department of Public Safety and the Federal Bureau of Investigation criminal history information.

4. Duplicate license fee . . . . . \$10.00

B. Alarm business licenses shall state whether they are primary alarm business licenses or reciprocal alarm business licenses. The primary alarm business license or reciprocal alarm business license, as applicable, shall be at all times conspicuously displayed at the alarm business's central station or office.

C. Alarm agent licenses shall be carried on the person of an alarm agent at all times while so employed and the alarm agent shall display the license to any police officer or authorized representative of this city upon request.

**Sec. 7-457. Renewal of license.**

A. The holder of a primary alarm business license, reciprocal alarm business license or alarm agent license shall renew the license annually by submitting a renewal application containing the information listed in section 7-453 or 7-454, as applicable, and paying the required renewal fee and the costs for a criminal history investigation. The holder of a reciprocal alarm business license, as a condition of renewal, shall also submit a copy of the approved primary alarm business license upon which reciprocity is based.

B. Applications for license renewal shall be filed with the finance director not later than ninety (90) days prior to the expiration of the license currently in effect. Applications for license renewal shall not be accepted after ninety (90) days prior to the expiration date of the license. In the event that a license expires without the licensee having submitted a timely application for renewal, the holder of the expired license must file a new application for initial license and shall comply with all of the requirements provided herein for obtaining an initial license.

**Sec. 7-458. Issuance; grounds for denial; petition for review.**

A. The finance director will issue a license provided for by this article to an applicant, or renew a license, if applicable, when the following conditions of the applicable licensing provisions have been fully satisfied:

1. All application requirements have been met, including any criminal history background checks and fingerprint requirements.
2. All fees have been paid in full.
3. No grounds for denial listed in this section exist.

B. The finance director shall deny a license or deny the renewal of a license if, at the time of the filing of an original application or a request for renewal, the finance director has reasonable grounds to believe that an applicant, licensee or controlling person:

1. Has been previously convicted, in any jurisdiction, of a felony or a misdemeanor involving fraud, theft, dishonesty, moral turpitude, physical violence, assault, indecent exposure, illegal use or possession of a deadly weapon, or a violation of A.R.S. title 13, chapter 34 (drug offenses, including but not limited to those relating to possession, sale or other conduct involving marijuana, narcotic drugs, precursor chemicals and prescription drugs), or offenses committed in another jurisdiction, which if committed in Arizona would be in violation of A.R.S. title 13, chapter 34, within the five-year period immediately preceding the filing of an original application or a request for renewal, whether or not the conviction or convictions have been expunged from court records pursuant to law.
2. Has prepared or filed an application or request for renewal which contains any false or misleading information, submitted false or misleading information in support of such application or request, or failed or refused to make full disclosure of all information required by this article.

3. Has had a license relating to alarm businesses or agents, as applicable, or a license of similar character, issued by another authority, suspended, canceled or revoked within the five-year period immediately preceding the date of the filing of the application.

4. Has violated a provision of this article, or has committed any act which, if committed by a licensee, would be grounds for the denial or revocation of a license pursuant to this article.

C. Notice shall be given of any denial of a license application, or a request for renewal, in writing, either by hand-delivery or by mail, to the address of record. The notice shall include the reasons for denial of the license or license renewal.

D. Should an applicant be denied a license, the applicant may, within five (5) days of the notice of denial from the director of finance, file a petition for review in the city court. The petition for review shall be as set forth in section 7-460 relating to petitions seeking suspension or revocation of a license, with the exception that the sole basis for the magistrate, special magistrate or limited special magistrate to overturn the decision of the finance director shall be a finding of factual error as to the enumerated grounds for denial of the license contained in this section.

**Sec. 7-459. Suspension or revocation; grounds.**

The finance director may suspend or revoke any primary or reciprocal alarm business or alarm agent license, when the finance director has reasonable grounds to believe any of the following:

1. The licensee, or any controlling person, has violated any of the grounds for denial of a license.

2. The licensee or any controlling person has failed to comply with the requirements of this article, including failure to provide changes in license information, as required.

3. The licensee has failed to comply with the requirements of this article relating to alarm business or alarm agent responsibilities, false alarms or assessments.

4. The licensee has failed to maintain in good standing all licenses or permits which are required pursuant to this article to hold a primary or reciprocal alarm business license, or alarm agent license, as applicable.

**Sec. 7-460. Suspension or revocation procedure; hearing.**

A. The director of finance, upon notification by the chief of police or the city attorney that grounds for suspension exist, shall file a written petition for suspension with the city court, requesting that a time and place be set for a hearing and specifying the grounds for suspension per section 7-459.

B. Within five (5) days of receipt of a petition, a magistrate, special magistrate or limited special magistrate shall schedule a hearing, which shall be conducted within fifteen (15) days of the receipt of the petition to suspend or revoke. The magistrate, special magistrate or limited

special magistrate shall notify the parties in the manner provided in subsection (f) and shall state the grounds relied upon for the proposed suspension.

C. Should the licensee fail to appear at the hearing, a default judgment of suspension shall be entered.

D. A record shall be kept of all proceedings. The Arizona Rules of Evidence shall not apply. Any evidence offered shall be admitted subject to a determination by the magistrate, special magistrate or limited special magistrate that the offered evidence is relevant and material and has some probative value as to a fact at issue.

E. No license shall be suspended unless grounds therefore are established by a preponderance of the evidence. The magistrate, special magistrate or limited special magistrate shall provide the licensee and other parties written notice of the decision within five (5) days, pursuant to subsection (b) of this section. The magistrate, special magistrate or limited special magistrate's signing of the written notice of the decision shall effect the suspension of a license.

F. A licensee's right to operate an alarm company or act as an alarm agent under authority of the license shall terminate immediately upon giving or mailing to the licensee a copy of the signed decision suspending the license; except that the suspension may be stayed by the superior court pending a timely appeal of the decision by special action. Such appeal must be filed within ten (10) days after the decision to suspend is signed unless the decision is mailed, in which case the appeal must be filed no later than fifteen (15) days after entry of the decision. The appellee shall bear the cost of preparing the record of appeal. If an appeal is not timely made, the suspension becomes final.

G. Notices required by this article shall be served by certified mail to the licensee's attorneys or to the licensee at the address as shown on the licensee's license, or by personal service.

**Sec. 7-461. Suspension or revocation; notice to reciprocal licensors.**

The finance director shall transmit, by facsimile, notice of the suspension or revocation, when such action is final, to all counties, cities, and towns listed on the licensee's application. The suspension or revocation of a primary alarm business license shall result in the same action being taken as to all reciprocal alarm business licenses which are derived from that primary alarm business license.

**Sec. 7-462. Application after denial, suspension or revocation of license.**

No person, association, firm, corporation or other legal entity may apply for any license required under this article within one (1) year from the denial of any such license to such applicant, or from the non renewal or revocation of any such license, unless the cause of such denial, revocation or non-renewal has been, to the satisfaction of the finance director, removed within such time. This section shall be inapplicable to denials of applications or renewal when the reason for denial was for an administrative, technical or otherwise nonmaterial reason.

**Sec. 7-463. Termination and cancellation of license; notice.**

A. An alarm agent who terminates employment with an alarm business shall immediately surrender the alarm agent license to the finance director.

B. An alarm agent who terminates employment with an alarm business to change employment to another alarm business licensee shall notify the finance director of the transfer, in writing, within fifteen (15) calendar days of the change in employment.

C. An alarm business may cancel an alarm business license by filing a notice of cancellation of the license with the finance director. The notice of cancellation shall include the effective date of the cancellation. In the event of the cancellation of a primary alarm business license, notice shall be given to all jurisdictions in which reciprocal alarm business licenses have been issued and are active. Reciprocal alarm business licenses shall be canceled as of the effective date of the cancellation of the primary alarm business license, unless the licensee requests the license be cancelled sooner.

**Sec. 7-464. Violation.**

It shall be unlawful for any person to violate any provision of this article, or to operate or act as an alarm company, monitoring company or alarm agent on a revoked or suspended license or without a license. Each day the violation continues shall constitute a separate offense.

## **DIVISION 2. ALARM USER REGISTRATION AND FEES**

**Sec. 7-465. Alarm administration.**

Notwithstanding the provisions of section 7-451(b), this division shall be administered in a manner prescribed by the chief of police.

**Sec. 7-466. Alarm business duties.**

(a) *Duties.* The duties of an alarm business shall be as follows:

(1) To install an SIA Control Panel Standard CP-01 alarm system compatible with the environment, to take reasonable measures to prevent the occurrence of false alarms; and, if it has agreed to provide maintenance or repair service to the system, to service the system within seventy-two (72) hours of a request for service. Shall only install dual-action button holdup devices whenever installing a push button holdup alarm.

(2) To provide written and oral instructions to each of its alarm users and/or the principal occupants of the buildings or premises protected by an alarm system in the proper use and operation of the system. Such instruction will specifically include all necessary instructions in turning the alarm on and off and in avoiding false alarms.

(3) To provide each purchaser and user with a copy of this chapter relating to alarm user duties, false alarm assessments and an alarm user/proprietor registration application or web address for online application.

(4) The alarm business and the alarm user or proprietor alarm owner shall complete and sign the alarm user/alarm company information form with alarm user and the alarm business shall submit the form to the police department within ten (10) days of commencement of service.

(5) Upon leasing, renting, selling or monitoring an alarm system:

(A) To conspicuously place on the premises a tag identifying the pertinent alarm business including the telephone number to call when the alarm has been activated.

(B) To inactivate or cause to be inactivated the audible alarm within fifteen (15) minutes of the notification of its activation in the event the primary and alternate cannot be contacted or does not respond.

(C) The central receiving station must use enhanced call verification for every alarm signal except a fire, holdup, robbery, panic, or duress alarm activation prior to making an alarm dispatch request.

(D) To organize its central receiving station to readily and positively identify the type of alarm, i.e. burglary, robbery or panic, and the location of the alarm, if there is more than one (1) system; whether the alarm is audible or silent; the alarm user registration number and the description of the zone or sensor activated and the name and response time of a responsible party.

(E) To maintain records as to each of these alarm systems, devices or services which should include the name of the owner or occupant of the premises, the name and telephone number of the user, a primary person and an alternate responsible party for responding to the premises when the alarm is activated, information concerning whether the alarm system includes an audible alarm and records of any alarm activation for a period of one (1) year from the date of the activation.

(F) To notify the police department of activated alarm systems in the manner prescribed by the chief of police, including such reasonable information concerning the alarm system as the chief of police may request. Reasonable information shall include the names of persons from the activated alarm location who have contracted with the alarm business and any mailing or telephonic information for the activated alarm location. The information shall be made available at any time upon request by the city or police department representative.

(G) To arrange for the alarm user or other responsible party to go to the premises of an activated alarm system within sixty (60) minutes in order to be available to assist the police in determining the reason for activation and securing the premises. In no event shall there be an unreasonable delay in arriving at the location of the alarm. If the police depart the premises prior

to this requirement being met and the police are unable to determine the reason for the activation, such activation shall be deemed a false alarm.

(H) To notify the alarm user or other responsible party, in the case of a monitored alarm system, of all alarm activations at the alarm user's premises within twenty-four (24) hours of activation, not including weekends or holidays, by telephone, electronic mail, facsimile transmission or written notice deposited in the united states mail.

(I) To notify the alarm user that the user may choose not to register and forego a police response except for a fire, holdup, robbery, panic, or duress alarm activation. In such instances, if an dispatch request is made in an instance other than a fire, holdup, robbery, panic, or duress situation the alarm user shall be considered to be unregistered and subject to section 7-475(a)(2).

(6) The alarm business shall notify the alarm administrator within ten (10) days in the event the alarm business ceases to lease, rent, maintain service or monitor any alarm system.

(7) Any alarm business that sells an alarm or an alarm system with monitoring services, or leases, rents, installs, maintains or services an alarm or alarm system shall be subject to subsections (a)(1) through (a)(6) of this section.

(8) Alarm businesses which monitor but do not sell, lease, rent, install, service or maintain alarms or alarm systems shall not be subject to subsections (a)(3) through (a)(6) of this section.

(9) Alarm businesses which sell or install alarms or alarm systems but do not lease, rent, monitor, service or maintain them shall be subject to subsections (a)(1) through (a)(4).

(10) Alarm businesses which do not monitor, maintain, service or install alarms or alarm systems shall not be subject to subsection (a) of this section, but shall be responsible for instructing each person who purchases an alarm or an alarm system in the proper use and operation of the alarm, informing each alarm user or alarm purchaser to contact the alarm administrator for information regarding this chapter, advising each alarm user or alarm purchaser of the requirement of an alarm user registration and providing a copy of this chapter to each alarm user or alarm purchaser. Such instruction will specifically include all necessary instructions in turning the alarm on and off and in avoiding false alarms.

(11) Alarm businesses shall provide a list of its customers to the alarm administrator in the format prescribed by the alarm administrator and shall be updated by the business on a monthly basis and provided to the alarm administrator no later than the 5th of each month. Information required of customers shall consist of their full name, address, and phone number and any concern or safety consideration present at the alarm site that a law enforcement officer should be aware of.

(b) *Penalty.* An alarm business which violates any provision of this section is responsible for a civil infraction and may be fined in an amount not to exceed two hundred fifty dollars (\$250.00).

**Sec. 7-467. Alarm user's and proprietor alarm owner duties.**

The duties of an alarm user and proprietor alarm owner shall be as follows:

- (1) To instruct and inform all persons or personnel, who are authorized to place the system or device into operation, in the appropriate method of operation, the provisions of this chapter, and emphasizing the importance of avoiding false alarms.
- (2) To apply for an alarm user registration from the alarm administrator within ten (10) days of commencement of alarm service.
- (3) To respond to or to make arrangements for a responsible person to respond to the scene of an activated alarm within sixty (60) minutes of the alarm activation. The user will be responsible for any costs to secure the property if the police department has been dispatched.
- (4) To maintain the alarm or alarm system in good working order and take reasonable measures to prevent the occurrence of false alarms.
- (5) An alarm user who violates any provision of this section is responsible for a civil infraction and may be fined in an amount not to exceed two hundred fifty dollars (\$250.00).

**Sec. 7-468. Activation for unauthorized purposes.**

It shall be unlawful for any person to intentionally activate any robbery alarm for any reason other than to warn of an actual robbery or to intentionally activate any burglar alarm for any reason other than to warn of an unauthorized entry into an alarm protected premises or to intentionally activate any commercial panic alarm for any reason other than to signal a life threatening or emergency situation requiring law enforcement response. An alarm user who violates any provision of this section is responsible for a civil infraction and may be fined in an amount not to exceed two hundred fifty dollars (\$250.00).

**Sec. 7-469. Shutting off after sounding alarm.**

A person or business that purchases, leases, or rents an audible alarm system, device or service shall not allow the alarm to sound in excess of fifteen (15) minutes.

**Sec. 7-470. Automatic or prerecorded messages or signals.**

A person shall not use or cause to be used any telephone device or telephone attachment that automatically selects a public primary telephone trunk line of the city and then reproduces any prerecorded message or signal.

**Sec. 7-471. Confidentiality.**

The information furnished and secured pursuant to this division shall be confidential and shall not be subject to public inspection consistent with Arizona public records laws. The city shall



take reasonable precautions to protect the confidentiality of the proprietary records of the alarm businesses.

**Sec. 7-472. Government immunity.**

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

**Sec. 7-473. Grace period.**

Newly installed and reinstalled alarm systems shall not be subject to the provisions of this division relating to the counting and assessment of false alarms for a period of thirty (30) days from the date the alarm system becomes operational. The grace period shall apply only if the alarm business or proprietor alarm owner notifies the alarm administrator in writing within ten (10) days of the completion of installation or reinstallation. The written notice shall specify the date the system was installed or reinstalled. For reinstalled alarm systems, the notice shall also describe the nature and extent of the reinstallation.

**Sec. 7-474. Alarm user registration.**

(a) An alarm user shall not operate, or cause to be operated, an alarm system at its alarm site without a valid alarm registration. Operating an alarm while an alarm registration is suspended is deemed to be operating an alarm without an alarm registration if the alarm administrator or police officer has made reasonable effort to notify the alarm user of excessive false alarms.

(b) Each alarm user and proprietor alarm owner shall apply for and receive an alarm user registration from the alarm administrator. An alarm user registration shall be kept within the premises protected by the alarm and shall be available for inspection by the police department. A separate registration is required for each address or separate units.

(c) An alarm registration application and fee shall be submitted within ten (10) calendar days of the installation date of a new alarm system or alarm system takeover. Alarm user registration will be on forms or by electronic means approved by the alarm administrator and are valid for three hundred sixty-five (365) days unless suspended pursuant to section 7-477. It is the responsibility of the alarm user to submit an application prior to the registration expiration date. Failure to renew will be classified as use of a non-registered alarm system and citations and penalties shall be assessed without waiver.

(d) The fee for an alarm registration or an alarm registration renewal shall be twenty dollars (\$20.00).

(e) If an alarm user has multiple alarm systems at one location, an alarm user registration is required for each system. For the purposes of this division:

(1) The owner of an apartment complex or other residential rental property that has an existing alarm system shall be deemed to be the alarm user. Each unit shall be considered a separate address. The common areas of offices of the apartment complex will be considered one address.

(2) The tenant of an apartment or other residential rental property who installs, purchases, or rents an alarm system or initiates monitoring services shall be deemed to be the alarm user and must apply for an alarm user registration.

(f) Upon receipt of a completed alarm user registration application and the alarm registration fee, the alarm administrator shall register the applicant unless the applicant has:

(1) Failed to pay an assessment under section 7-475; or

(2) Had an alarm registration for the alarm site suspended or revoked and the violation causing the suspension or revocation has not been corrected.

(g) Each alarm user registration application must include the following information:

(1) The name, complete address (including apt/suite number), and telephone numbers of the person who will be the registration holder and be responsible for the proper maintenance and operation of the alarm system and payment of fees assessed under this article;

(2) The classification of the alarm site as either residential (includes apartment, condominium, mobile home, or other multifamily dwelling) or commercial;

(3) For each alarm system located at the alarm site, the classification of the alarm system (i.e. burglary, holdup, duress, panic alarms or other) and for each classification whether such alarm is audible or silent;

(4) Mailing address, if different from the address of the alarm site;

(5) Any dangerous or special conditions present at the alarm site;

(6) Names and telephone numbers of at least two (2) individuals who are able and have agreed to receive notification of an alarm system activation at any time, respond to the alarm site within sixty (60) minutes when requested, and upon request can grant access to the alarm site and deactivate the alarm system if necessary;

(7) Type of business conducted at a commercial alarm site;

(8) Signed certification from the alarm user stating the following:

(A) The date of installation, conversion or takeover of the alarm system, whichever is applicable;

(B) The name, address, and telephone number of the alarm business or companies performing the alarm system installation, conversion or takeover and of the alarm business responsible for providing repair service to the alarm system;

(C) That a set of written operating instructions for the alarm system, including written guidelines on how to avoid false alarms, have been left with the applicant by the alarm business; and

(D) That the alarm business has trained the applicant in proper use of the alarm system, including instructions on how to avoid false alarms.

(h) Any false statement of a material fact made by an applicant for the purpose of obtaining an alarm registration shall be sufficient cause for refusal to issue a registration.

(i) An alarm registration may not be transferred to another person or alarm site. An alarm user shall inform the alarm administrator of any change that alters any of the information listed on the alarm registration application within five (5) business days of such change.

(j) All assessments and fees owned by an applicant must be paid before an alarm registration may be issued or renewed.

(k) Alarm systems that are operated by the city, county, state, or federal government and installed on premises that such entity occupies or uses for governmental purposes are not subject to this division. However, such entities shall apply for and obtain a registration for each alarm system it operates and the registration fee shall be waived. Any government entity having excessive alarms may be subject to the alarm user awareness class or suspension of response.

**Sec. 7-475. Excessive false alarms/failure to register.**

(a) It is found that two (2) or more false alarms within a three hundred sixty-five (365) day period is excessive and constitutes a public nuisance. A fee for false alarms within a three hundred sixty-five (365) day period shall be assessed as follows:

(1) If the alarm site has a properly registered alarm user:

(A) For the first false alarm, whether a burglary alarm or a panic, holdup, or duress alarm activation there shall be no assessment;

(B) For the second false alarm whether a burglary alarm or a panic, holdup, or duress alarm activation the assessment shall be one hundred dollars (\$100.00) but is eligible to be waived under subsection (g) if the alarm user completes an alarm user awareness class within ninety (90) days of receipt of the invoice;

(C) For the third through seventh burglary false alarms the assessment shall be one hundred dollars (\$100.00) except that for a panic, holdup, or duress false alarm the assessment shall be two hundred dollars (\$200.00);

(D) For all subsequent false alarms after the seventh burglary false alarm, the assessment shall be two hundred dollars (\$200.00) except that for a panic, holdup, or duress false alarm the assessment shall be three hundred dollars (\$300.00) and police response may be suspended after the seventh false alarm regardless of alarm type.

(2) If the alarm site does not have a properly registered alarm user:

(A) The assessment for the first false alarm shall be the same as specified in paragraph (1)(b), but shall be waived if the person applies for and obtains an alarm user registration within ten (10) days of receipt of the invoice and completes an alarm user awareness class within ninety (90) days of receipt of the invoice.

(B) The assessment for the second through seventh burglary false alarms and panic, holdup, or duress false alarms shall be the same as specified in paragraph (1)(c); and

(C) For all subsequent false alarms after the seventh burglary false alarm and panic, holdup, or duress false alarm, the assessment shall be the same as specified in paragraph (1)(d) and police response may be suspended after the seventh false alarm regardless of alarm type.

(b) Fees shall be paid within thirty (30) days from the date of the invoice.

(c) Operating an alarm without an alarm registration is subject to a one hundred dollar (\$100.00) service fee, in addition to the assessments provided for in subsection (a) for each false alarm activation to partially recover the costs of the police response.

(d) Failure to pay any fee within ninety (90) days of its due date may result in the immediate suspension of the alarm registration and police response.

(e) An alarm user at an alarm site with ten (10) or more false alarms within a three hundred sixty-five (365) day period is guilty of a class 1 misdemeanor and shall discontinue operation of the alarm system. Failure to do so may result in the immediate suspension of the alarm registration and police response.

(f) The three hundred sixty-five (365) day period specified in section (a) shall begin upon submission of a completed registration application.

(g) The completion of the alarm user awareness class will result in the waiver of one hundred dollars (\$100.00) in assessment fees and may be applied to any false alarm occurrence within the three hundred sixty-five (365) day period.

(h) If the alarm user presents a written agreement with their alarm business that the business must contact the user prior to notifying police and can produce evidence that a false alarm was the result of the business not contacting the user, the assessment shall be waived.

**Sec. 7-476. Assessment petition.**

(a) If the alarm administrator assesses a fee under section 7-475 or denies the issuance, renewal, or reinstatement of an alarm registration, the alarm administrator shall send written notice of the action and a statement of the right to an appeal to either the affected applicant or alarm user or proprietor alarm owner.

(b) The alarm user or proprietor alarm owner may appeal an assessment of a fee or the suspension of an alarm registration by setting forth in writing the reasons for the appeal to the alarm. The appeal must be filed with the administrator within ten (10) business days after receipt of the assessment or notice of suspension.

(c) The alarm administrator shall, within five (5) business days of a notice of appeal, provide the finance director with notice of the appeal. The finance director shall forward the appeal to the zoning examiner who shall, within a period of thirty (30) days from receipt of the notice of appeal from the alarm administrator, hear the appeal and the facts as presented by the appellant and the alarm administrator, affording both parties a reasonable and equal amount of time for the presentation of facts, evidence, and the questioning and cross-examination of witnesses. The hearing shall be conducted in an informal manner and the Arizona rules of evidence shall not apply. Within ten (10) business days of the hearing, the hearing officer shall render a final, written decision affirming or reversing the decision of the alarm administrator.

(d) Filing of a notice of appeal shall stay the action by the alarm administrator suspending an alarm permit or requiring payment of the assessment, until the hearing officer has rendered a decision. If a request for an appeal to the finance director is not made within the required ten (10) business day period, the action of the alarm administrator is final.

(e) The alarm administrator may adjust the count of false alarms based on reasonable evidence including but not limited to: (1) a false alarm was caused by an act of god; (2) a false alarm was caused by action of the telephone company; (3) a false alarm was caused by a power outage lasting longer than four (4) hours; and/or (4) the alarm dispatch request was not a false alarm.

**Sec. 7-477. Suspension of response.**

(a) The alarm administrator may suspend law enforcement response to an alarm site by suspending the alarm registration if it is determined that:

(1) The alarm user has seven (7) or more false alarms in a three hundred sixty-five (365) day period;

(2) There is a statement of a material fact known to be false in the registration application;

(3) The alarm user has failed to make timely payment of an assessment under section 7-475; or

(4) The alarm user has failed to submit a written certification from an alarm business, that complies with the requirements of this article, stating that the alarm system has been inspected and repaired (if necessary) and/or additional training has been conducted by the alarm business.

(b) Unless there is separate indication that there is a crime in progress, the alarm administrator may refuse response to an alarm dispatch request at an alarm site for which the alarm registration is suspended.

(c) A person commits a civil offense if he or she operates an alarm system during the period in which the alarm registration is suspended and may be fined in an amount not to exceed two hundred fifty dollars (\$250.00).

(d) A monitoring company commits a civil offense if it continues alarm dispatch requests to an alarm site after notification by the alarm administrator that the registration has been suspended and may be fined in an amount not to exceed two hundred fifty dollars (\$250.00).

(e) If the alarm registration is reinstated pursuant to section 7-478, the alarm administrator may suspend police response to the alarm site by again suspending the alarm registration if it is determined that two (2) false alarms have occurred within sixty (60) days after the reinstatement date.

**Sec. 7-478. Reinstatement.**

(a) A person or entity whose alarm user registration has been suspended may, at the discretion of the alarm administrator, have the alarm user registration reinstated if the person:

(1) Pays, or otherwise resolves, all outstanding citations and assessments; and

(2) Provides satisfactory evidence to the alarm administrator that the alarm system has been inspected and repaired (if necessary) by the alarm business; and/or that additional training in the proper use of the alarm system was provided by the alarm business for all alarm users.

(b) In addition, the alarm administrator may require one (1) or more of the following as a condition to reinstatement:

(1) Proof that an employee of the alarm business caused the false alarm;

(2) Completion of the alarm user awareness class as provided under sec. 7-479;

(3) Upgrade the alarm control panel to meet ANSI/SIA Control Panel Standard CP-01;

(4) A written statement from an independent inspector that the alarm system has been inspected and is in good working order;

(5) Confirmation that all motion detectors, glass break detectors, or robbery/panic buttons are "dual technology" or dual action type;

(6) Confirmation that the alarm business will not make an alarm dispatch request unless the need for law enforcement is confirmed by audio or video verification; and

(7) Confirmation that the alarm business will not make an alarm dispatch request unless the need for law enforcement is confirmed by a person at the alarm site.

**Sec. 7-479. Alarm user awareness class.**

The chief of police may create and implement an alarm user awareness class and may request the assistance of the area alarm association member companies to assist in developing and implementing the class. The class shall be offered free of charge and inform alarm users of the problems created by false alarms and instruct alarm users how to help reduce false alarms.