

## ORDINANCE 559-14

### AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA, AMENDING THE TOWN CODE CHAPTER 18 FIRE PREVENTION AND PROTECTION, BY ADDING ARTICLE 3 ALARM SYSTEMS.

WHEREAS, Arizona Revised Statutes § 9-802 provides a procedure whereby a municipality may enact the provisions of a code or public record by reference, without setting forth such provisions, providing that the adopting ordinance is published in full; and

WHEREAS, the Mayor and Council deem it necessary to adopt certain regulations to protect, enhance and promote the health, safety and welfare of the Town of Queen Creek ("Town") and its residents, and

WHEREAS, the Town of Queen Creek finds that excessive false alarms unduly burden the Town of Queen Creek's limited law enforcement resources. The purpose of this ordinance is to establish reasonable expectations of alarm users and to ensure that alarm users are held responsible for their use of alarm systems.

**NOW THEREFORE, BE IT ORDAINED** by the Council of the Town of Queen Creek, Arizona, as follows:

Section 1. The document attached hereto as Exhibit "A", and titled "**Town Code Chapter 18 Fire Prevention and Protection, Article 18-3 Alarm Systems**" is hereby declared to be a public record;

Section 2: The document titled "**Town Code Chapter 18 Fire Prevention and Protection, Article 18-3 Alarm Systems**" which has been made a public record, is hereby referred to, adopted, and made a part of the Queen Creek Town Code as if fully set out in the Ordinance and; Town Code Chapter 18 Fire Prevention and Protection is amended as set forth in "Exhibit A";

Section 3: If any section, subsection, clause, phrase or portion of this ordinance or any part of these amendments to the Town Code is for any reason held invalid or unconstitutional by the decision of any court or competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 4: Providing for Repeal of Conflicting Ordinances

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference are hereby repealed.

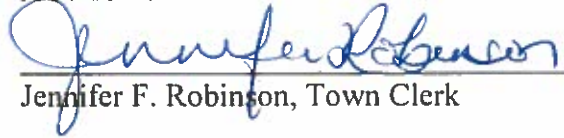
Section 5: This ordinance shall have an effective date of March 18, 2015.

**PASSED AND ADOPTED** by the Town Council of the Town of Queen Creek this 19<sup>th</sup> day of November, 2014.

FOR THE TOWN OF QUEEN CREEK:

  
\_\_\_\_\_  
Gail Barney, Mayor

ATTESTED TO:

  
\_\_\_\_\_  
Jennifer F. Robinson, Town Clerk

REVIEWED BY:

  
\_\_\_\_\_  
John Kloss, Town Manager

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Dickinson Wright, PLLC  
Attorneys for the Town

EXHIBIT 'A'

CHAPTER 18 FIRE PREVENTION AND PROTECTION

**ARTICLE 18-3 ALARM SYSTEMS**

**SECTION 18-3-1: DEFINITIONS**

THE FOLLOWING WORDS, TERMS AND PHRASES, WHEN USED IN THIS ORDINANCE, SHALL HAVE THE MEANINGS ASCRIBED TO THEM, EXCEPT WHERE THE CONTEXT CLEARLY INDICATES A DIFFERENT MEANING:

***ALARM ADMINISTRATOR*** MEANS A PERSON OR PERSONS DESIGNATED BY THE TOWN OF QUEEN CREEK TO ADMINISTER, CONTROL AND REVIEW FALSE ALARM REDUCTION EFFORTS AND ADMINISTERS THE PROVISIONS OF THIS ORDINANCE.

***ALARM BUSINESS*** MEANS A PERSON SUBJECT TO THE STATE AND LOCAL LICENSING REQUIREMENTS, AND/OR A BUSINESS ENGAGED IN SELLING, LEASING, INSTALLING, SERVICING OR MONITORING ALARM SYSTEMS AS DEFINED BY ARIZONA REVISED STATUTES § 32-101.

***ALARM PERMIT*** MEANS A PERMIT ISSUED BY THE TOWN ALLOWING THE OPERATION OF AN ALARM SYSTEM WITHIN THE TOWN.

***ALARM SIGNAL*** MEANS A DETECTABLE SIGNAL; AUDIBLE, SILENT, AND/OR VISUAL, GENERATED BY AN ALARM SYSTEM, TO WHICH LAW ENFORCEMENT IS REQUESTED TO RESPOND.

***ALARM SYSTEM*** MEANS ANY SINGLE DEVICE OR ASSEMBLY OF EQUIPMENT DESIGNED TO SIGNAL THE OCCURRENCE OF AN ILLEGAL OR UNAUTHORIZED ENTRY OR OTHER ILLEGAL ACTIVITY REQUIRING IMMEDIATE ATTENTION AND TO WHICH LAW ENFORCEMENT IS REQUESTED TO RESPOND, BUT DOES NOT INCLUDE MOTOR VEHICLE OR BOAT ALARMS, FIRE ALARMS, OR ALARMS DESIGNED TO ELICIT A MEDICAL RESPONSE.

***ALARM USER*** MEANS ANY PERSON, CORPORATION, PARTNERSHIP, PROPRIETORSHIP, GOVERNMENTAL OR EDUCATIONAL ENTITY OR ANY OTHER ENTITY OWNING, LEASING OR OPERATING AN ALARM SYSTEM, OR ON WHOSE PREMISES AN ALARM SYSTEM IS MAINTAINED FOR THE PROTECTION OF SUCH PREMISES.

***AUTOMATIC DIAL PROTECTION DEVICE*** MEANS AN AUTOMATIC DIALING DEVICE OR AN AUTOMATIC TELEPHONE DIALING ALARM SYSTEM AND SHALL INCLUDE ANY SYSTEM WHICH, UPON BEING ACTIVATED, AUTOMATICALLY INITIATES TO THE MARICOPA COUNTY SHERIFF'S OFFICE (MCSO) A RECORDED

MESSAGE OR CODE SIGNAL INDICATING A NEED FOR LAW ENFORCEMENT RESPONSE.

**CANCELLATION** MEANS THE PROCESS WHERE RESPONSE IS TERMINATED WHEN THE ALARM BUSINESS (DESIGNATED BY THE ALARM USER) NOTIFIES THE MARICOPA COUNTY SHERIFF'S OFFICE (MCSO) THAT THERE IS NOT AN EXISTING SITUATION AT THE ALARM SITE REQUIRING LAW ENFORCEMENT RESPONSE AFTER AN ALARM DISPATCH REQUEST. IF CANCELLATION OCCURS PRIOR TO LAW ENFORCEMENT ARRIVING AT THE SCENE, THIS IS NOT A FALSE ALARM FOR THE PURPOSE OF OR FEE ASSESSMENT, AND NO FEE WILL BE ASSESSED.

**FALSE ALARM** MEANS THE ACTIVATION OF AN ALARM SYSTEM THROUGH MECHANICAL OR ELECTRONIC FAILURE, MALFUNCTION, IMPROPER INSTALLATION OR ADJUSTMENT OR SETTING(S), OR THE NEGLIGENCE OF THE ALARM USER, HIS/HER EMPLOYEES OR AGENTS, AND SIGNALS ACTIVATED TO SUMMON LAW ENFORCEMENT PERSONNEL UNLESS LAW ENFORCEMENT RESPONSE WAS CANCELLED BY THE ALARM USER OR HIS/HER AGENT BEFORE LAW ENFORCEMENT PERSONNEL ARRIVE AT THE ALARM LOCATION. AN ALARM IS FALSE WITHIN THE MEANING OF THIS ARTICLE WHEN, UPON INSPECTION BY THE MARICOPA COUNTY SHERIFF'S OFFICE (MCSO), EVIDENCE INDICATES THAT NO UNAUTHORIZED ENTRY, ROBBERY, OR OTHER SUCH CRIME WAS COMMITTED OR ATTEMPTED IN OR ON THE PREMISES WHICH WOULD HAVE ACTIVATED A PROPERLY FUNCTIONING ALARM SYSTEM. NOTWITHSTANDING THE FOREGOING, A FALSE ALARM SHALL NOT INCLUDE AN ALARM WHICH CAN REASONABLY BE DETERMINED TO HAVE BEEN CAUSED OR ACTIVATED BY AN ELECTRICAL STORM.

**FALSE ALARM 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.

**LOCAL ALARM** MEANS AN ALARM SYSTEM THAT EMITS A SIGNAL AT AN ALARM SITE THAT IS AUDIBLE OR VISIBLE FROM THE EXTERIOR OF A STRUCTURE AND IS NOT MONITORED BY A REMOTE MONITORING FACILITY, WHETHER INSTALLED BY AN ALARM BUSINESS OR USER.

**RUNAWAY ALARM** MEANS AN ALARM SYSTEM THAT PRODUCES THREE (3) OR MORE ALARM SIGNALS WITHIN ONE (1) HOUR THAT DO NOT APPEAR TO BE CAUSED BY SEPARATE HUMAN ACTION. THE MARICOPA COUNTY SHERIFF'S OFFICE MAY IN ITS DISCRETION DISCONTINUE POLICE RESPONSES TO ALARM SIGNALS FROM WHAT APPEARS TO BE A RUNAWAY ALARM.

**SIA CONTROL PANEL STANDARD CP-01** MEANS THE AMERICAN NATIONAL STANDARD INSTITUTE (ANSI) APPROVED SECURITY INDUSTRY ASSOCIATION (SIA) CP-01 CONTROL PANEL STANDARD, AS MAY BE UPDATED FROM TIME TO TIME, THAT DETAILS RECOMMENDED DESIGN FEATURES FOR SECURITY SYSTEM CONTROL PANELS AND THEIR ASSOCIATED ARMING AND DISARMING DEVICES

TO REDUCE FALSE ALARMS. CONTROL PANELS BUILT AND TESTED TO THIS STANDARD BY A NATIONALLY RECOGNIZED TESTING ORGANIZATION, WILL BE MARKED TO STATE: "DESIGN EVALUATED IN ACCORDANCE WITH SIA CP-01 CONTROL PANEL STANDARD FEATURES FOR FALSE ALARM REDUCTION".

**TOWN** MEANS THE TOWN OF QUEEN CREEK OR ITS AGENT.

**VERIFY** MEANS AN ATTEMPT BY THE MONITORING BUSINESS, OR ITS REPRESENTATIVE, TO CONTACT THE ALARM SITE AND/OR ALARM USER BY TELEPHONE AND/OR OTHER ELECTRONIC MEANS, WHETHER OR NOT ACTUAL CONTACT WITH A PERSON IS MADE, TO ATTEMPT TO DETERMINE WHETHER AN ALARM SIGNAL IS VALID BEFORE REQUESTING LAW ENFORCEMENT DISPATCH, TO AVOID AN UNNECESSARY ALARM DISPATCH REQUEST. FOR THE PURPOSE OF THIS ORDINANCE, TELEPHONE VERIFICATION SHALL REQUIRE, AS A MINIMUM THAT A SECOND CALL BE MADE TO A DIFFERENT NUMBER IF THE FIRST ATTEMPT FAILS TO REACH AN ALARM USER WHO CAN PROPERLY IDENTIFY THEMSELVES TO ATTEMPT TO DETERMINE WHETHER AN ALARM SIGNAL IS VALID BEFORE REQUESTING LAW ENFORCEMENT DISPATCH.

**VIOLATION YEAR** MEANS A 12 MONTH PERIOD BEGINNING ON THE DAY AND MONTH ON WHICH A FALSE ALARM VIOLATION OCCURS.

#### **SECTION 18-3-2: ALARM PERMIT**

***PERMIT NOT REQUIRED.***

#### **SECTION 18-3-3: DUTIES OF THE ALARM USER**

- (A) MAINTAIN THE PREMISES AND THE ALARM SYSTEM IN GOOD WORKING ORDER, AND IN A CONDITION THAT WILL REDUCE OR ELIMINATE FALSE ALARMS; AND
- (B) RESPOND OR CAUSE A REPRESENTATIVE TO RESPOND TO THE ALARM SYSTEM'S LOCATION WITHIN 30 MINUTES WHEN NOTIFIED BY THE MARICOPA COUNTY SHERIFF'S OFFICE (MCSO) THAT AN ALARM HAS BEEN ACTIVATED; AND
- (C) MANUALLY ACTIVATE AN ALARM ONLY FOR AN EVENT THAT THE ALARM SYSTEM WAS INTENDED TO REPORT; AND
- (D) RELEASE THE TOWN FROM ANY LIABILITY ARISING OUT OF THE USE OF THE ALARM SYSTEM.

#### **SECTION 18-3-4: DUTIES OF THE ALARM BUSINESS**

- (A) ANY PERSON ENGAGED IN THE ALARM BUSINESS IN THE TOWN SHALL OBTAIN AND MAINTAIN THE REQUIRED STATE, COUNTY AND/OR TOWN LICENSE(S).
- (B) PRIOR TO ACTIVATION OF THE ALARM SYSTEM, THE ALARM BUSINESS MUST PROVIDE TO THE ALARM USER:

- 1) WRITTEN INSTRUCTIONS EXPLAINING THE PROPER OPERATION OF THE ALARM SYSTEM.
  - 2) WRITTEN INFORMATION OF HOW TO OBTAIN SERVICE FROM THE ALARM BUSINESS FOR THE ALARM SYSTEM.
- (C) AN ALARM BUSINESS PERFORMING MONITORING SERVICES IN THE TOWN SHALL:
- 1) ATTEMPT TO VERIFY, BY CALLING THE ALARM SITE AND/OR ALARM USER BY TELEPHONE, TO DETERMINE WHETHER AN ALARM SIGNAL IS VALID BEFORE REQUESTING DISPATCH. TELEPHONE VERIFICATION SHALL REQUIRE, AS A MINIMUM THAT A SECOND CALL BE MADE TO A DIFFERENT NUMBER, IF THE FIRST ATTEMPT FAILS TO REACH AN ALARM USER WHO CAN PROPERLY IDENTIFY THEMSELVES TO ATTEMPT TO DETERMINE WHETHER AN ALARM SIGNAL IS VALID, EXCEPT IN THE CASE OF A PANIC OR ROBBERY-IN-PROGRESS ALARM, OR IN CASES WHERE A CRIME-IN-PROGRESS HAS BEEN VERIFIED BY VIDEO AND/OR AUDIBLE MEANS.
  - 2) PROVIDE ADDRESS TO THE COMMUNICATIONS CENTER TO FACILITATE DISPATCH AND/OR CANCELLATIONS.
  - 3) COMMUNICATE ANY AVAILABLE INFORMATION ABOUT THE ZONE OR SENSOR ACTIVATION LOCATION OF THE ALARM.
  - 4) COMMUNICATE A CANCELLATION TO THE LAW ENFORCEMENT COMMUNICATIONS CENTER AS SOON AS POSSIBLE FOLLOWING A DETERMINATION THAT RESPONSE IS UNNECESSARY.

**SECTION 18-3-5: PROHIBITED ACTS**

- (A) IT SHALL BE UNLAWFUL TO ACTIVATE AN ALARM SYSTEM FOR THE PURPOSE OF SUMMONING LAW ENFORCEMENT WHEN NO BURGLARY, ROBBERY, OR OTHER CRIME DANGEROUS TO LIFE OR PROPERTY IS BEING COMMITTED OR ATTEMPTED ON THE PREMISES, OR OTHERWISE TO CAUSE A FALSE ALARM.
- (B) IT SHALL BE UNLAWFUL TO INSTALL, MAINTAIN, OR USE AN AUDIBLE ALARM SYSTEM WHICH CAN SOUND CONTINUALLY FOR MORE THAN 10 MINUTES.
- (C) IT SHALL BE UNLAWFUL TO INSTALL, MAINTAIN, OR USE AN AUTOMATIC DIAL PROTECTION DEVICE THAT REPORTS, OR CAUSES TO BE REPORTED, ANY RECORDED MESSAGE TO THE MARICOPA COUNTY SHERIFF'S OFFICE.

**SECTION 18-3-6: ENFORCEMENT OF PROVISIONS**

- (A) **EXCESSIVE FALSE ALARMS.** IT IS HEREBY FOUND AND DETERMINED THAT THREE OR MORE FALSE ALARMS WITHIN A VIOLATION YEAR IS EXCESSIVE, AND RESULTS IN ADDITIONAL COSTS TO THE TOWN. THE ALARM ADMINISTRATOR OR REPRESENTATIVE WILL NOTIFY ALARM USERS VIA REGULAR MAIL OR ELECTRONIC MAIL TO THE MAILING/ELECTRONIC MAIL ADDRESS ON FILE OF EXCESSIVE FALSE ALARMS. ALARM USERS ARE REQUIRED TO KEEP MAILING ADDRESSES AND CONTACT INFORMATION CURRENT. TO DEFRAY THE COST OF

EXCESSIVE FALSE ALARMS, AND TO DISCOURAGE REPEAT FALSE ALARMS, FEES FOR FALSE ALARMS WITHIN A VIOLATION YEAR MAY BE ASSESSED AGAINST AN ALARM USER AS FOLLOWS:

THIRD FALSE ALARM .....	\$ 50.00
FOURTH FALSE ALARM .....	\$100.00
FIFTH FALSE ALARM .....	\$150.00
SIXTH FALSE ALARM .....	\$200.00
SEVENTH FALSE ALARM .....	\$250.00
EIGHTH FALSE ALARM .....	\$300.00
NINTH FALSE ALARM .....	\$350.00
TENTH AND OVER FALSE ALARMS .....	\$400.00

- (B) **PAYMENT OF FEES.** FEES SHALL BE PAID TO THE TOWN WITHIN (30) DAYS FROM THE DATE OF THE INVOICE. AFTER 120 DAYS ALL UNPAID PENALTIES AND ASSESSMENTS ARE SENT TO COLLECTIONS.

**SECTION 18-3-7: FALSE ALARM AWARENESS CLASS.**

**FALSE ALARM AWARENESS CLASS.** THE TOWN MAY CREATE AND IMPLEMENT A FALSE ALARM AWARENESS CLASS AND MAY REQUEST THE ASSISTANCE OF THE AREA ALARM COMPANIES TO ASSIST IN DEVELOPING AND IMPLEMENTING THE CLASS. THE CLASS SHALL INFORM ALARM USERS OF THE PROBLEMS CREATED BY FALSE ALARMS AND INSTRUCT ALARM USERS HOW TO HELP REDUCE FALSE ALARMS. THE TOWN MAY GRANT THE OPTION OF ATTENDING A CLASS IN LIEU OF PAYING ONE ASSESSED FEE PAYABLE BY AN ALARM USER.

**SECTION 18-3-8: CONFIDENTIALITY**

- (A) EXCEPT AS OTHERWISE PROVIDED BY LAW AND AS PROVIDED IN (B) BELOW, INFORMATION RELATED TO AN ALARM SUBSCRIBER PERMIT SHALL BE CONFIDENTIAL AND RESTRICTED TO INSPECTION BY TOWN REPRESENTATIVES.
- (B) TOWN REPRESENTATIVES MAY DISCLOSE:
- 1) THE NAME AND ADDRESS OF THE ALARM SUBSCRIBER OR PROPRIETOR ALARM OWNER, AND THE AMOUNT OF DELINQUENT, UNPAID ALARM SUBSCRIBER PERMIT FEES, SERVICE CHARGES AND LATE CHARGES RELATED TO AN ALARM SYSTEM TO A PRIVATE COLLECTION AGENCY WITH A WRITTEN AGREEMENT WITH THE TOWN;
  - 2) THE NAME AND ADDRESS OF THE ALARM SUBSCRIBER OR PROPRIETOR ALARM OWNER, AND THE ALARM SUBSCRIBER PERMIT NUMBER TO THE ALARM BUSINESS THAT MONITORS THE ALARM SYSTEM; AND
  - 3) INFORMATION REGARDING AN ALARM SUBSCRIBER OR PROPRIETOR ALARM OWNER AND THE ALARM SYSTEM TO THE ADMINISTRATOR, A HEARING OFFICER, OTHER TOWN REPRESENTATIVES, AND PUBLIC SAFETY PERSONNEL INCLUDING LAW ENFORCEMENT AGENCIES.

**SECTION 18-3-9: GOVERNMENT IMMUNITY**

NOTHING IN THIS ORDINANCE IS INTENDED TO, AND WILL NOT, CREATE A CONTRACT, DUTY OR OBLIGATION, WITHER EXPRESSED OR IMPLIED, OF RESPONSE BY THE TOWN. ANY AND ALL LIABILITY AND CONSEQUENTIAL DAMAGE RESULTING FROM THE FAILURE TO RESPOND TO A NOTIFICATION IS HEREBY DISCLAIMED AND GOVERNMENTAL IMMUNITY AS PROVIDED BY LAW IS RETAINED. THE ALARM USER ACKNOWLEDGES THAT RESPONSE BY THE MARICOPA COUNTY SHERIFF OFFICE (MCSO) 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.

**SECTION 18-3-10: SEVERABILITY**

THE PROVISIONS OF THIS ORDINANCE ARE SEVERABLE. IF A COURT DETERMINES THAT A WORD, PHRASE, CLAUSE, SENTENCE, PARAGRAPH, SUBSECTION, SECTION, OR OTHER PROVISION IS INVALID OR THAT THE APPLICATION OF ANY PART OF THE PROVISION TO ANY PERSON OR CIRCUMSTANCE IS INVALID, THE REMAINING PROVISIONS AND THE APPLICATION OF THOSE PROVISIONS TO OTHER PERSONS OR CIRCUMSTANCES ARE NOT AFFECTED BY THAT DECISION.

THIS ORDINANCE SHALL TAKE EFFECT ON MARCH 18, 2015