

**Ordinance No. 779**

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, REPEALING SECTION 10-01-040 “FALSE ALARMS” OF ARTICLE 10-01 “OFFENSES” OF CHAPTER 10 “OFFENSES”, AND AMENDING ARTICLE 10-05 “RESERVED” OF CHAPTER 10 “OFFENSES” OF THE PRESCOTT VALLEY TOWN CODE AND ADOPTING BY REFERENCE A DOCUMENT ENTITLED “ARTICLE 10-05 “ALARM SYSTEMS” (DECLARED BY RESOLUTION 1854 TO BE A PUBLIC RECORD) WHICH, AMONG OTHER THINGS, PROVIDES A PROCESS FOR REDUCING THE NUMBER OF FALSE ALARMS BY REQUIRING REGISTRATION OF ALARM SYSTEMS UPON LAW ENFORCEMENT RESPONSE TO A FALSE ALARM, AND IMPOSES AN ASSESSMENT FOR COSTS OF RESPONSE WHEN ANOTHER FALSE ALARM OCCURS AT THE SAME LOCATION WITHIN A THREE HUNDRED SIXTY-FIVE (365)-DAY PERIOD; PROVIDING THAT ALL OTHER CHAPTERS, ARTICLES AND SECTIONS OF THE TOWN CODE, NOT HEREIN REPEALED, REENACTED, OR AMENDED, SHALL REMAIN IN FULL FORCE AND EFFECT; PROVIDING THAT, IF ANY PROVISION IN THIS ORDINANCE IS HELD INVALID BY A COURT OF COMPETENT JURISDICTION, THE REMAINING PROVISIONS SHALL NOT BE AFFECTED BUT SHALL CONTINUE IN FULL FORCE AND EFFECT; AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE THIRTY (30) DAYS AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW.

WHEREAS, on August, 26, 1982, the Town Council of the Town of Prescott Valley adopted Ordinance No. 73 to enact §11-1-22 “FALSE ALARMS” of the Town Code and declare it unlawful for a fire, burglar or other alarm to give off a “false alarm”; and

WHEREAS, on May 26, 1988, the Council adopted Ordinance No. 178 to amend §11-1-22 and renumber it as §10-01-040 “FALSE ALARMS”; and

WHEREAS, §10-01-040 made it a criminal violation to maintain an alarm that gives off two or more false alarms within the same month and provided for a fine of eight dollars (\$8) per false alarm, increasing to twenty dollars (\$20) per alarm for four to seven false alarms, and a maximum of twenty-five dollars (\$25) for each false alarm thereafter; and

WHEREAS, due to the high standard of proof required in criminal cases it is often difficult to establish criminal liability for false alarms when an individual authorized to activate an alarm is not the same person responsible for its installation or maintenance (or when an owner of an alarm system fails to properly train employees activating an alarm system); and

WHEREAS, the Prescott Valley Police Department has responded to approximately 1200 calls for burglar and robbery alarms from residences and businesses each year for the last decade, and less than one percent (1%) of those calls were actual criminal events; and

WHEREAS, two (2) police officers are typically dispatched to each alarm call (including the ninety-nine percent (99%) that are false alarms); and

WHEREAS, most false alarms are caused by failure to maintain, properly arm or disarm, and train employees in proper operation of alarm systems; and

WHEREAS, it is estimated that response to false alarms over the past decade has cost the Town approximately \$969,000; and

WHEREAS, the Town desires to reduce the amount of time and expense of police responses to false alarms by imposing a registration requirement for all alarm systems that register a false alarm, and imposing a civil assessment for the costs of police response to any additional false alarms occurring at the location within a consecutive 365-day period; and

WHEREAS, ARS §9-802 provides for adoption by reference of particularly lengthy or complex ordinances when they are declared first to be “public records”;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, ARIZONA AS FOLLOWS:

SECTION ONE. That Section 10-01-040 “False Alarms” in Article 10-01 “OFFENSES” of Chapter 10 “OFFENSES” of the Town Code of the Town of Prescott Valley, Arizona be hereby repealed in its entirety and reserved.

SECTION TWO. That Article 10-05 “RESERVED” in Chapter 10 “OFFENSES” of the Town Code be hereby amended as set forth in that certain document entitled “Article 10-05 Alarm Systems” declared to be a “public record” by Resolution No. 1854 (and available for public inspection in the Office of the Town Clerk, 7501 East Civic Circle, Prescott Valley, Arizona, 86314).

SECTION THREE. That Section 10-05-070 “FALSE ALARM ASSESSMENTS” in “Article 10-05 “ALARM SYSTEMS” of Chapter 10 “OFFENSES” of the Town Code, sets forth a penalty assessment as follows:

**10-05-070 False Alarms; Assessments.**

- A. When any registered alarm or alarm system generates a false alarm within any consecutive three hundred and sixty-five (365) calendar day period, the alarm administrator shall provide written notification of the false alarm by mail to the alarm user or their authorized designee and/or the alarm business, as applicable, at the address registered with the Alarm Administrator. The written notification shall:
  - 1. State the details regarding the false alarm,
  - 2. State the amount of the penalty to be assessed,
  - 3. Set forth the process by which the subscriber, alarm business or proprietor alarm owner may appeal the assessment, and
  - 4. Assess liability for the false alarm upon the subscriber first, unless the subscriber can provide evidence to the alarm administrator that the false alarm was due to defective equipment, at which time the alarm business shall become solely responsible.
- B. In order to reimburse the Town of Prescott Valley for law enforcement response to a false alarm as described above, the party responsible for the

false alarm shall be assessed fifty-two (\$52) dollars for each and every false alarm occurring within the 365 calendar day period.

- C. A false alarm occurring at a location in which there have been no false alarms within a consecutive 365 calendar day period shall be eligible for a waiver of the fifty-two dollar (\$52) alarm assessment.
- D. The alarm administrator may allow an alarm user to complete an online false alarm education class in lieu of one false alarm assessment. A person who attends an alarm education class shall provide proof of completion to the alarm administrator and is not eligible to attend the class again within twelve (12) months of the date of the last false alarm.

(Ord. No. 180, Enacted, 08/25/88; Ord. No. 700, Repealed 10/25/08; Ord. No. 779, Enacted, \_\_/\_\_/13)

SECTION FOUR. That all other Chapters, Articles, and Sections of the Town Code, not herein repealed, reenacted or amended, shall remain in full force and effect.

SECTION FIVE. That, if any provision of this Ordinance is held invalid by a Court of competent jurisdiction, the remaining provisions shall not be affected but shall continue in full force and effect.

SECTION SIX. That this Ordinance shall be effective 30 days after its passage and approval according to law.

PASSED AND APPROVED by the Mayor and Common Council of the Town of Prescott Valley, Arizona, this \_\_\_\_ day of \_\_\_\_\_, 2013.

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Harvey C. Skoog, Mayor

ATTEST:

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Diane Russell, Town Clerk

APPROVED AS TO FORM:

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Ivan Legler, Town Attorney