

Alarm Systems

10-05-010 Purpose.

This Article is intended to regulate the activities and responsibilities of those persons who purchase, own, lease or rent alarm systems and those persons who own or operate businesses that monitor or service alarms or alarm systems. It is further intended to encourage the improvement in reliability of these systems and to insure that public safety personnel will not be unduly endangered or diverted from responding to actual criminal activity or other required duties as a result of responding to false alarms. This ordinance specifically encompasses all alarm systems monitoring a structure, including but not limited to burglar alarms and robbery and panic alarms, both audible and inaudible. By adopting the provisions as set forth in this Article, the Town of Prescott Valley, its officers, employees and agents shall not assume any greater duty or obligation to an alarm user than that which is owed to the public in general by the Town, its officers, employees and agents.

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 No. 700, Repealed 10/25/08; Ord.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

10-05-020 Definitions.

For the purposes of this Article, the following terms, phrases, words, and their derivations shall have the meanings given herein.

- A. "Act of Nature". An unusual, extraordinary, sudden and unexpected manifestation of the forces of nature, which cannot be prevented by reasonable human care, skill or foresight.
- B. "Alarm" or "Alarm System". Any mechanical, electrical or other device or system used for the purpose of protecting buildings, places or premises from criminal acts or unauthorized entries by warning of an illegal entry or other criminal activity through the emission or transmission of an alarm signal.
- C. "Alarm Administrator". Any person, persons, company or independent contractor hired by the Town to administer, control and review false alarm reduction efforts and administer the provisions of this Article. The Alarm Administrator may also be a Police Department employee, as designated by the Chief of Police
- D. "Alarm Coordinator". Police Department employee designated by the Chief of Police to represent the Town of Prescott Valley in the administration of this Article, and to act as liaison to the Alarm Administrator
- E. "Alarm System User". Any person who leases, rents, purchases, uses or is otherwise responsible for an alarm or alarm system, device or service at the premises where an alarm system is located.

- F. “Audible Alarm”. An alarm or alarm system designed for the detection of a criminal act or an unauthorized entry on a building, place or premises and which, when activated, generates an audible sound on or in the premises.
- G. “Burglary, Robbery or Panic Alarm”. Any alarm or alarm system designed for the detection of a burglary, robbery or the commission of an unlawful act, and which when activated automatically or intentionally, generates an inaudible signal to a central monitoring station and is designed to alert or cause to be alerted Police Department personnel to an emergency situation occurring to or against an individual or premises. A burglary, robbery or panic alarm may also generate an audible sound on the premises.
- H. Cancellation”. The process where police response is terminated when the alarm business or other responsible person (as designated by the alarm system user) notifies police dispatch that there is not an existing situation at the alarm site requiring police response after an alarm dispatch request. If cancellation occurs prior to police arrival at the scene, this shall not be considered a false alarm for the purpose of this Article and no Assessment shall be charged.
- I. “Common Cause”. 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 false alarm only if the cause is repaired within seventy-two (72) hours and/or 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.
- J. “Enhanced Call Verification (ECV).” An independent method whereby the alarm monitoring company attempts to determine that a signal from an automatic alarm system reflects a need for immediate police assistance or investigation, by making at least two (2) phone calls to the responsible party or parties. The time for such verification shall not exceed more than five (5) minutes from the time the alarm signal has received by the alarm system monitoring company.
- K. “False Alarm”. Any activation of an alarm or alarm system through mechanical or electronic failure, malfunction, improper installation, or the negligence of the alarm system user, his/her employees or agents, that signals to summon law enforcement personnel, unless law enforcement response was cancelled by the alarm system user or the alarm system user’s agent prior to the arrival of law enforcement at the alarm location. An alarm is false within the meaning of the Article when, upon inspection by the Police Department, evidence indicates that no unauthorized entry, robbery, or other crime was committed or attempted in or on the premises which would have activated a properly functioning alarm or alarm system. Notwithstanding the foregoing, a false alarm shall not include the following:
 - 1. An activation caused by law enforcement;

2. An activation for testing purposes when the police department has been given advance notice of such testing;
 3. An activation which can reasonably be determined to have been caused by an act of nature; or
 4. Other extraordinary circumstances not reasonably subject to control by the alarm system user.
- L. “Person”. Any individual, corporation, partnership, incorporated association or any other legal entity.
- M. “Proprietary Alarm System”. An alarm system exclusively owned by an individual or corporation that is (1) not rented, leased, installed, maintained, monitored or serviced by an alarm business; (2) does not emit an audible alarm; and (3) to which response is provided solely by the user or his or her own security force.

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

10-05-030 Exemptions.

The provisions of this Chapter are not applicable to:

- A. Fire alarm systems.
- B. Audible alarms affixed to a motor vehicle, watercraft, or aircraft.
- C. Proprietary alarm systems, as defined herein.
- D. Independent, stand-alone alarm systems installed or placed by or at the direction of the Prescott Valley Police Department for law enforcement purposes.
- E. Alarm or alarm signals caused by the testing, repair or malfunction of telephone equipment lines or electrical utility equipment or lines that are not reasonably subjected to control by the alarm user.
- F. Personal emergency response alarms or medical alert alarms worn or carried on a person’s body for the purpose of summoning assistance in a panic situation or medical emergency.

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

10-05-040 Alarm Registration Requirement; False Alarm Warning Notice; Annual Renewal Requirement.

- A. When any unregistered alarm or alarm system generates a false alarm as defined herein, the alarm administrator shall provide written notification, by mail, to the alarm user that he or she is now required to apply for and obtain an alarm registration permit and pay an alarm registration permit fee of fifteen dollars (\$15).
- B. The alarm registration application shall be available through the Alarm Administrator and must be submitted within ten (10) business days of receipt of the notification. A \$15 late fee shall be added to any registration application not received within the 10-day period.
- C. The Alarm Administrator shall, at the same time, inform the alarm user that the next false alarm occurring at the alarm location within a consecutive three hundred and sixty-five (365) calendar day period shall result in a false alarm assessment in the amount of fifty-two dollars (\$52). The notification shall also include the following:
 - 1. A copy of this alarm ordinance, and
 - 2. False alarm education material including, but not limited to, information regarding the availability of online false alarm educational classes.
- D. Any law enforcement response to a false alarm occurring at a location in which a prior false alarm has occurred and resulted in the registration requirement noted above in Subsection (A), and the alarm user has failed to obtain the required alarm shall result in an additional thirty dollar (\$30) fee for failure to comply with the registration requirements.
- E. Once an alarm or alarm system has been registered pursuant to Subsection A, above, the alarm user shall submit an alarm registration permit renewal application annually and pay an alarm permit renewal fee of \$15.

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

10-05-050 Alarm User Responsibilities and Duties.

The responsibilities and duties of all alarm users operating alarm systems in the Town of Prescott Valley are as follows:

- A. Instruct all persons authorized to place the alarm or alarm system into operation in the appropriate method of operation for the system and for locking and securing all points of entry.
- B. Maintain the alarm or alarm system in good working order and take reasonable measures to prevent false alarms.
- C. Provide the name and contact information (including, but not limited to, a current telephone number) to the alarm business monitoring the alarm or other

person authorized to place the alarm system into operation, of the primary person responsible for responding to the premises in the event of a false alarm. In addition, the alarm owner shall provide the name and contact information of at least one alternate person responsible for responding to the premises if the primary person cannot be reached when the alarm is activated and shall keep all information as required above up-to-date.

- D. Respond to the scene within thirty (30) minutes after notification by the Police Department or the subscribers alarm business of the alarm's or alarm system's activation.
- E. In the event that an alarm user or other responsible party cannot be reached by the Police Department or an alarm monitoring company or does not arrive at the scene of an alarm within 30 minutes, the Police Department shall have no further obligation to remain on scene or to otherwise secure the premises at which the alarm is activated.

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

10-05-060 Alarm Business Responsibilities and Duties.

The responsibilities and duties of all alarm businesses doing business within the Town of Prescott Valley shall be as follows:

- A. Instruct each of its alarm or alarm system purchasers and subscribers in the proper use and operation of the alarm or alarm system. Such instruction shall include all necessary instructions in turning the alarm or alarm system on and off and in avoiding false alarms.
- B. To provide each purchaser and subscriber a copy of this Article.
- C. Upon installing, maintaining or servicing an alarm or alarm system:
 - 1. Ensure that the alarm or alarm system is installed, maintained or serviced in good working order, as applicable.
 - 2. Take reasonable measures to prevent the occurrence of false alarms.
 - 3. The alarm business shall use Enhanced Call Verification protocol as defined herein, prior to contacting law enforcement to verify that the alarm actually requires law enforcement response.
- D. Upon renting or leasing an audible alarm:
 - 1. Conspicuously place on the premises a tag identifying the telephone number to call when the alarm has been activated.
 - 2. Maintain records of the location of all such alarms and the name and telephone number of the primary contact person and alternate to be

notified whenever the alarm is activated and readily report such information to the police department upon request.

3. Inactivate or cause to be inactivated an audible alarm within fifteen (15) minutes of the notification of its activation in the event the primary and/or alternate contact persons cannot be contacted, or after being informed by law enforcement that the responsible persons did not respond within thirty (30) minutes.
- E. In addition to the certificate and registration requirements provided under ARS §32-121 et seq., an alarm business shall apply for and maintain a valid Prescott Valley Business License.

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

10-05-070 False Alarms; Assessments.

1. When any registered alarm or alarm system generates a false alarm within any consecutive three hundred 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 alarm user may appeal the false alarm assessment.
2. 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 dollars (\$52) for each and every false alarm occurring within the 365 calendar day period.
 1. The alarm assessment shall be waived for a false alarm happening at a location in which no false alarms have occurred within a consecutive 365 calendar day period.
 2. The assessment for a second false alarm occurring within a consecutive 365 calendar day period shall be waived by the Alarm Administrator upon proof of completion of an alarm education class authorized by the Alarm Coordinator. An alarm user may only complete an alarm education class once in a consecutive 365-day period.

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

10-05-080 False Alarm Review Procedure.

- A. Any party aggrieved by a decision of the Alarm Administrator may appeal the determination of false alarms by submitting a report to the Alarm Coordinator within twenty (20) days of the date of mailing of the written false alarm notification. The report shall contain:
1. A description of the action taken to discover and eliminate the cause of the false alarm(s).
 2. The specific reasons(s), if any, why the false alarm(s) should not be subject to an assessment. Evidence that an alarm was caused by an act of nature, common cause or action of the telephone company shall constitute valid reasons why an assessment should not be imposed. With respect to subscribers only, evidence that the false alarm was due to defective equipment or other fault of the alarm business shall relieve the subscriber from liability and shall shift the responsibility to the alarm business monitoring the alarm or alarm system.
 3. If the report required in Subsection (A) is not submitted within the specified time-period any further review or appeal of the assessment shall be considered to have been waived by the aggrieved party and they shall be held liable for the false alarm assessment.
 4. After submission of the report required above, the Alarm Coordinator shall review the information provided and may make a determination regarding the cause of the false alarm and the specific reason(s), if any, for the false alarm(s). The alarm coordinator may:
 - a. Overrule the Assessment, finding that the corrective action taken will substantially reduce the likelihood of false alarms, or that a valid reason for the false alarm(s) has been shown, and the aggrieved party is not liable for the assessment as imposed by the Alarm Administrator, or
 - b. Uphold the Assessment, finding that the corrective action taken or to be taken will not substantially reduce the likelihood of false alarms or that a valid reason for the false alarm(s) has not been shown and the aggrieved party is liable for the assessment as imposed by the Alarm Administrator
 5. Written notice shall be sent to the aggrieved party indicating the decision of the Alarm Coordinator and shall set forth the findings and conclusions with respect to the review of the report submitted.

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

10-05-090 Payment of Fees and Assessments.

- A. Except as otherwise provided for in this Article, any and all fees and assessments shall be paid to and received by the Alarm Administrator within thirty (30) days from the date a notice of false alarm assessment is deposited in the regular first class U.S. Mail with postage fully paid and addressed to the responsible party.
- B. Failure to pay such false alarm assessment within 30 days from the date of the notice may result in legal action by the Town or its authorized designee, to collect all unpaid fees and assessments. The 30-day period may be tolled during the pendency of (1) a false alarm review, and (2) an appeal to the Town Manager as set forth below.
- B. After the false alarm assessment has been mailed as required above, and if there has been no contact from the responsible party for sixty (60) days a "Final Notice" shall be mailed. This Final Notice will require the immediate payment of the false alarm assessment.
- C. If there is no additional response from the responsible party within 30 days after the Final Notice was mailed, the Alarm Administrator may send the unpaid assessment to a collection agency and shall notify the responsible party that such action has been taken.
- D. Any unpaid balance of an assessment as listed herein shall be subject to interest in the maximum amount allowable under Arizona law.

(Ord. No. 779, Enacted, __/__/13)

10-05-110 Appeal Procedures for False Alarm Assessments.

- A. Any party aggrieved by a decision of the Alarm Coordinator, made pursuant to a false alarm review and a subsequent assessment determination may appeal such decision to the Town Manager. The appeal shall be requested within twenty (20) days from the date of the mailing of the Alarm Coordinator's written notice pursuant to Subsection 10-05-080(A)(5). The appeal shall be in writing and shall set forth specifically the grounds for such an appeal.
- B. Within five (5) business days of the appeal, the Town Manager shall contact the aggrieved party and may, in his/her discretion, stay any enforcement of the assessment pending a final determination of the appeal and set a time and place to meet with the aggrieved party as soon as practicable.
- C. At that meeting, the aggrieved party shall have the opportunity to present and discuss their position or concerns regarding the Alarm Coordinator's review of the false alarm assessment. The Town Manager shall hear and consider such evidence as is relevant to the determination of such issues. The Town Manager shall not be bound by technical rules of evidence or procedure in conducting the meeting.

- D. The Town Manager shall render a written decision within ten (10) business days after the meeting has been conducted based on the evidence presented by the Alarm Coordinator and the appellant. The decision of the Town Manager shall be final.

(Ord. No. 779, Enacted, __/__/13)

10-05-120 Grace Period.

All newly installed or reinstalled alarms and alarm systems shall not be subject to the provisions of this Article relating to the counting and assessment of false alarms for a period of thirty (30) days from the date the alarm or alarm system becomes operational. For the purposes of this Section, “reinstalled” means the installation of a new control panel.

(Ord. No. 779, Enacted, __/__/13)

10-05-130 Prohibition of Automatic or Prerecorded Messages; Exception.

No person shall use or cause to be used any telephone device or attachment that automatically selects or dials a published emergency telephone number or any Town telephone number and then reproduces a prerecorded message or signal. This Section shall not apply to a life safety alert system utilizing residential transmitting equipment designated for direct telephone access to dedicated control receiving equipment located in a local fire department.

(Ord. No. 779, Enacted, __/__/13)

10-05-140 Police Department Delegation of Duties.

Except as otherwise provided in this section, the Chief of Police is authorized to delegate an Alarm Administrator, or to any other authorized designee, all duties of the Police Department as set forth in this Article. Except as specifically set forth herein, the Chief of Police may not delegate any duty specifically reserved to law enforcement.

(Ord. No. 779, Enacted, __/__/13)