

ORDINANCE NO. 5079

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AMENDING MESA CITY CODE TITLE 6, CHAPTER 15, "ALARM SYSTEMS" AND ADOPTING "APPENDIX A: FINES, FEES AND ASSESSMENTS."

WHEREAS, a burglary, panic or robbery alarm is a high priority incident requiring the immediate assignment of multiple police units to respond;

WHEREAS, the Police Department responds to a significant number of false alarms generated by security systems, causing a substantial expenditure of public funds designated for emergency resources;

WHEREAS, repeatedly responding to false alarms impairs police officers ability to acknowledge that actual peril may exist when responding to a burglary, panic or robbery alarm; 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 City of Mesa and its residents.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Mesa, Arizona, as follows:

SECTION 1: That Title 6, Chapter 15, "Alarm Systems" is hereby amended to read:

6-15-1: APPLICABILITY:

This Chapter 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, maintaining, or monitoring alarm systems, devices, or services. It is further intended to encourage the improvement in reliability of those systems, devices, and services and 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 Chapter specifically encompasses "burglar alarms" and "robbery/panic" alarms, both audible and inaudible (silent). Specific exclusions and exceptions will be detailed within this Chapter.

6-15-2: DEFINITIONS:

ALARM OR ALARM SYSTEM: Any mechanical or electronic device which is used to detect unauthorized entry into a building or other premises or to alert others of the occurrence of the commission of an unlawful act against a person or within a building or other premises, and that may be designed to emit an audible alarm, and/or transmit a signal or message when activated. Alarm or alarm system includes, but is not limited to, silent, panic, holdup, robbery, duress, burglary, and proprietor alarms.

ALARM SITE: A single fixed premises or location served by an Alarm System or Systems. Each Unit, if served by a separate Alarm System in a multi-unit building or complex, shall be

considered a separate Alarm Site unless owned and/or operated by one entity.

AUTOMATIC DIALER: Any electrical, electronic, mechanical or other device capable of being programmed to send a prerecorded voice message, when activated or if self-activated, over a telephone line, radio or other communication system, to the City of Mesa.

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 of the series of false alarms is repaired within 72 hours and/or before it generates additional false alarms, documentation of the repair is provided to the Coordinator, and during the thirty-day period following the repair, the alarm system generates no additional false alarms from the documented cause.

ENHANCED CALL VERIFICATION: A monitoring procedure requiring that a minimum of two calls be made prior to making an alarm dispatch request. The two calls must be made to different phone numbers where a responsible party can typically be reached.

MOBILE PANIC ALARM/BUTTON: Any mobile, mechanical or electronic device that can be worn or carried by a person, designed so that a person may intentionally activate it to summon police assistance.

MONITORED ALARM: A device designed for the detection of an unauthorized entry into premises and which, when activated, generates an audible or inaudible signal to a monitoring station.

RESPONSIBLE PARTY: A person to be notified when an alarm system is activated, as designated by an alarm user.

6-15-3: ALARM BUSINESS DUTIES:

The duties of an alarm business shall be as follows:

(E) Upon monitoring an alarm system:

6. To arrange, upon request, for either the alarm user, alarm agent, or other responsible representative to go to the premises of an activated alarm system 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 unreasonable delay in arriving at the location of the alarm. (Thirty [30] minutes shall be deemed as reasonable.) If the Police depart the premises prior to the arrival of the user, alarm agent, or other responsible representative, then the user, alarm business, or proprietor may document their required response through telephonic notification of the Police Department upon their arrival at the location of the alarm signal. In the event this requirement is not met and the police are unable to determine the reason for the activation, such activation shall be deemed a false alarm.

(H) An Alarm Company shall provide the Alarm Coordinator with a customer list in a format acceptable to the Alarm Coordinator, upon request, to assist the Alarm Coordinator with creating the law enforcement's tracking data.

- (I) The Alarm Business shall complete and sign the City of Mesa Alarm Information Checklist with the proprietor or alarm user and submit the form as required below. The form must be signed by an alarm company representative and the alarm user or proprietor before submission to the police department. The Alarm Business shall submit the form, in the manner prescribed by the Coordinator, to the Police Department within 10 days of commencement of service for the alarm system.

6-15-6: ALARM USER PERMIT REQUIREMENTS:

- (A) Every alarm user shall apply for and receive an alarm permit from the Mesa Police Department. Application shall be made to the Mesa Police Department Alarm Unit for a permit within 30 days of the installation date of an alarm system. Users of alarm systems having both robbery/panic and burglary alarm capabilities shall obtain one (1) permit per alarm site. The application for an alarm user's permit shall be made on a form approved by the Coordinator and shall be accompanied by the permit fee as prescribed in Appendix A. All permits issued pursuant to this Section shall be for a period of three hundred and sixty-five calendar-days from the date of issue and shall be renewable annually, three hundred and sixty-five calendar-days from the original date of issue or renewal, as applicable, and subject to a permit renewal fee as prescribed in Appendix A. An alarm user's permit shall be available within the premises protected by the alarm and shall be available for inspection by the Mesa Police Department. Permits are not transferable from one user to another user or from one address to another address.

6-15-7: ALARM BUSINESS LICENSE REQUIREMENTS; ADMINISTRATION; DURATION; DUPLICATE LICENSE:

- (E) Upon written request and the payment of a fee as prescribed in Appendix A, the licensing authority shall issue a duplicate license to a licensee whose license has been lost, stolen, or destroyed.

6-15-11: FEES; DISPLAY OF LICENSES:

- (A) All license application fees, as prescribed in Appendix A, shall accompany the initial application or renewal application. All licensing fees are non-refundable, non-transferable, and will not be separated.

6-15-20: FALSE ALARMS; PENALTY ASSESSEMENTS AND PERMIT REVOCATION:

- (A) Any robbery/panic alarm system, whether permitted or not, which has more than one (1) false alarm within a three hundred and sixty-five-calendar-day-period shall be subject to penalty assessments as prescribed in Appendix A.
 - 1. If a second false alarm within a three hundred and sixty-five-calendar-day-period for any robbery/panic alarm system is recorded, the Coordinator shall notify the alarm user by regular mail and direct that the user pay to the City a penalty assessment, as prescribed in Appendix A, within sixty (60) days of receipt of the notice of excessive false robbery/panic alarms.

2. If a third and/or any subsequent false alarm within the same three hundred and sixty-five-calendar-day-period for any robbery/panic alarm system is recorded, the Coordinator shall notify the alarm user by regular mail and direct that the user pay to the City a penalty assessment per occurrence, as prescribed in Appendix A, within sixty (60) days of receipt of the notice of excessive false robbery/panic alarms.
- (B) Any burglary alarm system that has one recorded false alarm within a three hundred and sixty-five-calendar-day-period shall be subject to penalty assessments as follows:
1. On the first recorded false alarm within a three hundred and sixty-five-calendar-day-period for any burglary alarm system, the Alarm Coordinator shall notify the alarm user by regular mail and direct that the user pay to the City a penalty assessment, as prescribed in Appendix A, within sixty (60) days of the receipt of the false alarm notice. This assessment shall be waived if the alarm user successfully completed the City of Mesa Alarm Awareness class prior to the first recorded false alarm, or if the alarm user successfully completes the class within sixty (60) days after the first recorded false alarm.
 2. If a second false alarm within the same three hundred and sixty-five-calendar-day-period for any burglary alarm system is recorded, the Coordinator shall notify the alarm user by regular mail and direct that the user pay to the City a penalty assessment, as prescribed in Appendix A, within sixty (60) days of receipt of the notice of excessive false alarms.
 3. If a third false alarm within the same three hundred and sixty-five-calendar-day-period for any burglary alarm system is recorded, the Coordinator shall notify the alarm user by regular mail and direct that the user pay to the City a penalty assessment, as prescribed in Appendix A, within sixty (60) days of receipt of the notice of excessive false alarms.
 4. If a fourth false alarm within the same three hundred and sixty-five-calendar-day-period for any burglary alarm system is recorded, the Coordinator shall notify the alarm user by regular mail and direct that the user pay to the City a penalty assessment, as prescribed in Appendix A, within sixty (60) days of receipt of the notice of excessive false alarms.
 5. If a fifth false alarm within the same three hundred and sixty-five-calendar-day-period for any burglary alarm system is recorded, the Coordinator shall notify the alarm user by regular mail and direct that the user pay to the City a penalty assessment, as prescribed in Appendix A within sixty (60) days of receipt of the notice of excessive false alarms.
 6. If a sixth false alarm within the same three hundred and sixty-five-calendar-day-period for any burglary alarm system is recorded, the Coordinator shall notify the alarm user by regular mail and direct that the user pay to the City a penalty assessment, as prescribed in Appendix A within sixty (60) days of receipt of the notice of excessive false alarms.
 7. If a seventh false alarm within the same three hundred and sixty-five-calendar-day-period for any burglary alarm system is recorded, the Coordinator shall notify the alarm user by regular mail and direct that the user pay to the City a penalty assessment, as prescribed in Appendix A within sixty (60) days of receipt of the notice of excessive false alarms. Any subsequent false alarms within the same three hundred and sixty-five-calendar-day-period shall be assessed, as prescribed in Appendix A for each occurrence.

- (D) Any alarm system which has ten (10) or more false alarms within a three hundred and sixty-five-calendar-day-period shall also be subject to permit revocation.
 - 1. If ten (10) or more false alarms within a three hundred and sixty-five-calendar-day-period for any alarm system are recorded, the Coordinator shall notify the alarm user by certified mail of such fact and shall direct that the alarm user, within ten (10) days of receipt of the notice of excessive false alarms, submit a report to the Coordinator describing the actions taken or to be taken to discover and eliminate the cause of the false alarms. A copy of the notification shall be sent by regular mail to the alarm business providing service or inspection to the user.
- (E) If the alarm user submits a report as directed, the Coordinator shall determine if the actions taken or to be taken will prevent the reoccurrence of false alarms. The Coordinator shall notify the alarm user in writing that the permit will not be revoked at that time and that if subsequent false alarms occur within the three hundred and sixty-five-calendar-day-period, the permit may be summarily revoked.
- (J) An alarm user whose alarm permit has been revoked may have it reinstated by paying all overdue assessments, submitting a corrective report detailing the corrective action taken with proof of inspection for malfunctions attached, and paying a reinstatement fee as prescribed in Appendix A.
- (K) Any alarm company that fails to comply with alarm business duties as outlined in this Chapter is subject to penalty assessments as prescribed in Appendix A.
- (L) Any alarm user that is found to be operating an alarm system without a valid alarm permit is subject to penalty assessments as prescribed in Appendix A.

6-15-21: GENERAL REGULATIONS:

- (A) Each alarm system shall be inspected and serviced by the permittee at least once in each twelve (12) month period. Records shall be maintained by the permittees for each system showing dates of inspection and the name of the person making such inspection. Records shall be kept for a minimum of two (2) years and be open to the Police Chief or his designee on his request upon twenty-four (24) hours' notice.
- (D) No person shall use or cause to be used any Automatic dialing device or device attachment that automatically selects a public primary telephone trunk line of the City of Mesa and then reproduces any prerecorded message or signal.
 - 1. Within sixty (60) days after the effective date of this Chapter, all existing automatic dialing devices programmed to select a public primary telephone trunk line of the City of Mesa and then reproduce any prerecorded message or signal shall be disconnected.

6-15-22: UNLAWFUL ACTS AND PENALTIES:

- (A) In addition to the unlawful acts hereinabove specified, it shall be unlawful for any alarm user to install an alarm system for use within the City without obtaining a permit as required by this Chapter. It shall be unlawful for any alarm user to fail to disconnect an

alarm system after the revocation of an alarm user's permit in accordance with the terms and provisions of this Chapter. It shall be unlawful to operate an alarm system without a permit.

6-15-23: APPEALS PROCEDURES:

- (D) The decision of the Hearing Officer shall be based upon the evidence presented and it shall:
1. Affirm the decision of the Coordinator, in which case any assessment imposed shall be sustained; or
 2. Reverse the decision of the Coordinator, in whole or part, in which case no assessment shall be imposed.

SECTION 2: That Title 6, Chapter 15 is hereby amended by adopting a new Appendix A entitled "FINES, FEES AND ASSESSMENTS" that reads as follows:

Appendix A: Fines, Fees and Assessments

Alarm Permit	Amount
Burglary Function	\$10
Panic/Holdup Function	\$10
Burglary Function and Panic/Holdup Function	\$20
Revoked Permit Reinstatement Fee	\$25
Operating an Alarm System without a permit	\$100
False Alarm Assessments - Burglary	
1st False Burglary Alarm	\$50
2nd False Burglary Alarm	\$100
3rd False Burglary Alarm	\$150
4th False Burglary Alarm	\$200
5th False Burglary Alarm	\$250
6th False Burglary Alarm	\$300
7th False Burglary Alarm and each subsequent False Alarm	\$400
False Alarm Assessments - Panic and/or Hold-Up	
1st False Panic and/or Hold-Up Alarm	\$0
2nd False Panic and/or Hold-Up Alarm	\$100
3rd False Panic and/or Hold-Up Alarm and each subsequent False Alarm	\$200
Alarm Company Licensing - Initial License Fees	
Primary Alarm Business	\$200
Reciprocal Alarm Business	\$75
Alarm Agent	\$70
Criminal History Investigation - Cost determined by DPS	Current Cost
Alarm Company Licensing - Renewal License Fees	
Primary Alarm Business	\$20
Reciprocal Alarm Business	\$10
Alarm Agent	\$20
Criminal History Investigation - Cost determined by DPS	Current Cost
Duplicate License Fee	\$10
Alarm Company Assessments	
Failure to ECV (civil citation)	\$50
Failure to provide permit number when asking for police response	\$15
Request Dispatch to a location in error	\$75
Failure to Provide Cancel/New Subscriber Lists as required	\$50

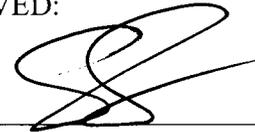
SECTION 3: That the Mesa City Code, as amended, will remain in full force and effect, save and except as amended by this Ordinance.

SECTION 4: From and after this modification, any modifications to the Fees and Charges related to Alarm Systems shall be done through Resolution whenever deemed feasible by the Police Department and modification by ordinance shall no longer be required.

SECTION 5: That the terms and provisions of this Ordinance are severable and if any section, subsection, sentence, clause, phrase or portion of this Ordinance, or any part of the Mesa City Code adopted herein by reference, is for any reason held to be invalid, unenforceable or unconstitutional by a court of competent jurisdiction, the remaining provisions of this Ordinance shall remain in effect.

PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa County, Arizona, this 5th day of March, 2012.

APPROVED:



Mayor

ATTEST:



City Clerk

