

## **SECTION 6-09-091-0001 ALARMS:**

### **A. PURPOSE**

It is the purpose of this Ordinance to improve the efficient operation and reliability of alarms designed to summon police personnel and equipment to the scene of criminal offenses and emergencies, and to encourage cooperation between alarm users, alarm businesses and the Police Department.

### **B. LANGUAGE**

The language set forth in this Ordinance shall be interpreted in accordance with the following rules of construction:

1. The singular number includes the plural number, and the plural the singular;
2. The masculine gender includes the feminine; and
3. The word “shall” is mandatory; the word ‘may’ is permissive.

### **C. DEFINITIONS**

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

1. “Alarm” or “Alarm System” means any device designed or used for the purpose of alerting and summoning police services or equipment to the scene of a burglary, robbery, or other serious criminal act to which they are needed or expected to respond.
2. “Alarm Business” means any individual, partnership, firm, corporation, or other entity conducting or engaging in the business of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, installing and/or monitoring, an alarm located in or on any building, structure, place or premises.
3. “Alarm Monitor” means any person or business that provides among his or its services the watching or monitoring of alarms, relaying of alarm information to the Police Department and contacting the alarm user, his designated agents or other responsible persons.
4. “Alarm User” means any person, business or entity on whose premises an alarm system is installed and operated, and is the permit holder, except as provided for herein.
5. “City” means the City of Flagstaff, Arizona, or its authorized employees or agents.

6. “False Alarm” means the activation of an alarm resulting in the dispatch of police personnel and equipment where a criminal act or emergency situation does not in fact exist. A “false alarm” may be caused by any one or more of the following:
  - a. Mechanical failure or malfunction.
  - b. Improper installation or maintenance. Routine testing and installation conducted by the operator or technician that may include audible sounding of an alerting device shall not be construed to be a false alarm under this Ordinance so long as it does not sound for longer than one minute during such test.
  - c. Accidental or negligent acts of an alarm user or of a person under his control or direction.
  - d. Intentional activation of an alarm when no serious criminal or other emergency condition exists.
  - e. Any other cause not related to an actual or attempted serious criminal act or emergency condition on the premises; provided, however, that any alarm activated by natural causes, or by malicious acts of persons not under the direction or control of the alarm user, or any other cause clearly beyond the control of the alarm user shall not be considered a false alarm.
7. “Nuisance Alarm” means any alarm system that actuates three (3) false alarms in a thirty (30) day period and are not caused by violent conditions of nature, including lightning induced storms and power outages beyond the control of the user, or an alarm system which does not operate in accordance with the provisions of this Ordinance.
8. “Police” or “Police Department” means the Police Department of the City of Flagstaff, Arizona, or any of its authorized officers, members, employees or agents.
9. “Alarm Coordinator” or “Coordinator means a member of the Flagstaff Police Department assigned by the Chief of Police to coordinate, monitor and administer the daily activities of this Ordinance and to issue invoices and citations for violations of this Ordinance.

#### D. EXEMPTIONS

The provisions of this Ordinance are not applicable to;

- I. Audible alarms affixed to a motor vehicle, watercraft, or aircraft.

2. Proprietary alarm systems where response is provided by the user or his own security force, and do not emit an outside audible alarm.
3. Newly installed and reinstalled alarm systems for a period of thirty (30) days from the date the alarm system becomes operational. This grace period shall only apply if the Alarm Business or the Alarm User notifies the Chief of Police or his designee in writing within ten (10) days of the completion of installation or reinstallation. The written notice shall specify the date the system was made operational.

#### E. LIABILITY

The City of Flagstaff, its officers, employees and agents shall not be liable for any defects, damages, failures, losses, negligence or other actions concerning the operation of any alarm system, the actions of an alarm company, an alarm monitor or any of their agents or any other person, business, company or entity in connection with the sale, lease, installation, service, maintenance, inspection, modification, alteration, movement, replacement, operation, monitoring, transmission of signals or the relaying of alarm related information.

#### F. AUDIBLE ALARMS

Audible alarms shall not emit sound longer than fifteen (15) minutes for residential alarms and thirty (30) minutes for commercial alarms.

#### G. DIALER ALARMS

Within sixty (60) days after the effective date of this Ordinance, no person or business shall operate or use any alarm system which is equipped with a direct dial device that when activated, automatically dials any Police Department trunk or emergency telephone line, including the 911 phone system, and transmits a pre-recorded message reporting a crime or other emergency. Persons using such alarms shall pay a one-hundred (\$10000) dollar fee per call after having been informed of this Ordinance in writing.

#### H. ALARM USER PERMITS REQUIRED

1. Every alarm user shall obtain an alarm user's permit from the Flagstaff Police Department for each location that an alarm system is installed in. Such a permit shall be obtained from the Coordinator's office within ninety (90) days from the effective date of this Ordinance or prior to the use of an alarm system which is installed subsequent to the expiration of ninety (90) days from the effective date of this Ordinance. A permit would be granted upon receipt of a completed application and a paid receipt from the City of Flagstaff for the ten dollar (\$10.00) fee for each such permit. Permits are not transferable from one user to another user, or from one address to another address.

2. If the residential alarm user is handicapped (having a permanent physical impairment, defect, or disability) or is over the age of 65 and is the primary resident of the residence and if no business is conducted in the residence, a user's permit may be obtained from the Coordinator's office without the payment of a fee.
3. An alarm user which is a governmental political unit shall be subject to this article and shall be required to obtain a permit, but a permit shall be issued without payment of the fee and shall not be subject to revocation or payment of additional fees or the imposition of any penalty provided herein.
4. Permits and information on them shall be considered confidential. Information contained therein shall not be released to a third party without written permission from the alarm user.
5. Failure to obtain a permit as provided in this Section or continued operation of an alarm without a permit shall result in the alarm to be designated as a nuisance alarm.

#### RESPONSIBLE PARTIES

Any person who operates or uses an alarm system within the City shall maintain and provide to either the Police Department or their Alarm monitor a current list of three (3) responsible parties and/or an alarm company who will:

1. Respond to the scene of the alarm within thirty (30) minutes after being notified of a possible intrusion and requested to respond; and
2. Provide all keys necessary to conduct a thorough search of the premises; and
3. Reset the alarm system; and
4. Assume any security responsibilities for the premises.

If neither the alarm user nor a listed responsible party or their alarm company can be contacted, refuses to respond, or does not respond as provided above, the user shall pay a one-hundred (\$ 100.00) dollar fee.

#### FALSE ALARMS

- I. No person operating or using any alarm system shall cause or permit the false activation of said alarm more than five (5) times within a twelve (12) month period that results in the dispatching of police and/or fire personnel and equipment. The sixth (6th) false alarm within such period shall result in a fee of twenty-five (\$25.00) dollars for a first violation of this Section, fifty (\$50.00) dollars for a second violation and one hundred (\$100.00) for any subsequent violations. A ninth alarm within a twelve (12) month period shall result in the alarm being classed as a nuisance alarm.

2. Upon receipt of the third false alarm within a twelve (12) month period, the Coordinator may notify the alarm user in writing to the user's permit address that subsequent false alarms may result in a penalty fee and possible revocation of the User Permit. The user will submit a False Alarm Prevention Report, on a form provided by the City, to the Coordinator outlining the action taken by the user to prevent further false alarms. The False Alarm Prevention Report shall be returned to the Coordinator within thirty (30) days and will outline the actions taken to discover and eliminate the cause of the false alarms and any violations of this Ordinance.

K. FEES PAYABLE WITHIN THIRTY (30) DAYS

Except as provided for herein, any and all fees provided for by this Ordinance shall be paid to the City's Finance Department within thirty (30) days from the date a bill therefore is deposited in the regular first class U.S. Mail with postage fully paid and addressed to the user at the address where the alarm system is operated. Fees not paid in full at the end of such period shall result in the alarm system being declared a "nuisance alarm."

L. NUISANCE ALARM

The Coordinator shall revoke the users permit ten (10) days after notifying the user that the alarm has been deemed to be a nuisance. The user shall be notified through certified mail.

1. Any alarm or alarm system deemed or declared a nuisance shall not require police personnel or equipment to respond to the alarm's location unless notified by means other than the resulting from the alarm system that criminal activity or another emergency actually exists. The Coordinator shall revoke the users permit after notifying the user that the alarm has been deemed to be a nuisance. The subsequent receipt of said alarms by the City are hereby designated to be misdemeanors. The revoked alarm user permittee negligently causing, allowing, facilitating or permitting said post-revocation alarm upon conviction herein shall be punished by a fine of one hundred (\$100.00) dollars for each such offense. Intentional misuse shall be sanctioned pursuant to Section M herein.
2. A person or business may reapply for a user's permit under Section H of this Ordinance upon submission of a new application accompanied by a \$20.00 application fee and a False Alarm Prevention Report, on a form provided by the City.

M. INTENTIONAL MISUSE

No person shall intentionally cause the activation of an alarm system knowing that such activity may result in the dispatch of police personnel and equipment when no criminal or emergency condition exists. Any person who causes such alarm activation shall be guilty of a Misdemeanor and upon conviction shall be liable for a fine of not less than five-hundred (\$500.00) dollars nor more than one-thousand (\$1,000.00) dollars or

sentenced to not less than ninety (90) days nor more than one hundred eighty (180) days in jail, or by both such fine and imprisonment.

N. SEVERABILITY

Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of the Ordinance shall not be affected thereby, and shall remain in full force and effect.

O. ENFORCEMENT

The City may pursue any and all lawful remedies necessary for the purpose of enforcing the provisions of this Ordinance. Action may be commenced in the name of the City in any court of competent jurisdiction for the amount of any delinquent fees or fines. Such legal action shall also require the inclusion of court costs, legal and attorney's fees.

The Finance Director of the City shall withhold the issuance of any business license until any and all fees prescribed in this Ordinance have been paid in full. (Ordinance Number 1552, Enacted, 03/01/88)