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## CHAPTER 5-6: ALARM SYSTEMS

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### 5-6-1 PURPOSE:

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This chapter 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 monitor alarm systems. It is further intended to encourage the improvement in reliability of these systems and to ensure that public safety personnel will not be unduly endangered, diverted from responding to actual emergency activity or other required duties as a result of responding to false alarms. This chapter specifically encompasses all alarm systems monitoring a structure, including but not limited to burglar alarms and robbery and panic alarms, both audible and inaudible. (Ord. 5065-1605, 1-23-2018)

### 5-6-2 DEFINITIONS:

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

(A) "Act of nature" means 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" means any mechanical, electrical or other device or assembly of equipment designed or arranged to signal the occurrence of an illegal entry, criminal activity or other activity requiring urgent attention and to which Police Department personnel are needed or expected to respond.

(C) "Alarm Coordinator" or "Coordinator" means a City of Prescott employee designated by the Chief of Police to represent the City of Prescott in administration of this chapter.

(D) "Alarm user" means any person who is responsible for the premises where an alarm system is located except as provided for herein.

(E) "Audible alarm" means a device which, when activated, generates an audible sound on or in the premises.

(F) "Burglar alarm" means any alarm system, which is activated automatically upon entry into buildings or onto premises, and is designed to alert Police Department personnel of unauthorized entry.

(G) "City" means the City of Prescott, Arizona, or its authorized employees or agents.

(H) "False alarm" means any activation of an alarm eliciting a response by Police Department personnel when a situation requiring a response does not in fact exist. A false alarm may be caused by any one (1) or more of the following:

1. Mechanical failure or malfunction.
2. Improper installation or maintenance.
3. Accidental or negligent acts of an alarm user or of a person under his control or direction.
4. Intentional activation of an alarm when no criminal or other emergency condition exists.
5. Any other cause not related to an actual or attempted criminal act; provided, however, that any alarm caused by a severe act of nature, or by malicious acts of persons not under the direction or control of the alarm user, shall not be considered a false alarm.

(I) "Proprietary alarm system" means an alarm system for which response is provided solely by the user or his own security force, and which does not emit an outside audible alarm.

(J) "Response" means the arrival of a police officer at the location of the designated alarm. (Ord. 5065-1605, 1-23-2018)

### **5-6-3 EXEMPTIONS:**

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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.
- (D) Independent, stand-alone alarm systems installed or placed by or at the direction of the City of Prescott Police Department for law enforcement purposes.
- (E) Government agencies; federal, state and City property.
- (F) 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.
- (G) Panic and robbery alarms or alarms meant to signal a medical emergency. (Ord. 5065-1605, 1-23-2018)

### **5-6-4 LIABILITY:**

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(A) A person or entity who violates any provision of this chapter shall be liable to the City for all losses and costs incurred by the City, and/or recoveries from or claims against the City for any damages to person or property which occur as a result of a violation of this chapter.

(B) By adopting the provisions as set forth in this chapter, the City of Prescott, 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 City, its officers, employees and agents. There is no duty to dispatch under any circumstances, including to answer an alarm signal, and all dispatch decisions are made subject to competing priorities and available police resources. (Ord. 5065-1605, 1-23-2018)

### **5-6-5 ALARM USER RESPONSIBILITIES:**

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The following are the duties and responsibilities of all alarm users operating alarm systems in the City of Prescott:

- (A) Upon installation of an alarm system, complete an "alarm user registration" either online or in person at the Police Department.

(B) Update, when applicable, through the Police Department's online portal, responsible person contact information about the alarm system and any hazards to personnel located on premises.

(C) In the event that an alarm user or responsible party cannot be contacted by the Police Department, or does not arrive at the scene of an alarm, the Police Department shall have no further obligation to remain on scene or to otherwise secure the premises at which the alarm is activated.

(D) To inform persons who are authorized to monitor an alarm users system the need to contact a responsible party at two (2) separate phone numbers to verify the validity of the alarm.

(E) Maintain the alarm system so as to minimize alarm malfunctions. (Ord. 5065-1605, 1-23-2018)

#### **5-6-6 FALSE ALARMS:**

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(A) An alarm user shall be assessed in accordance with this chapter for each and every false alarm response after there has been one (1) prior false alarm response by the Police Department in a calendar year.

(B) Upon receipt of the first false alarm, the Alarm Coordinator shall notify the alarm user in writing, electronic or otherwise, to the user's address that a false alarm occurred and forward them a copy of the alarm ordinance specifying the assessment schedule and a false alarm prevention pamphlet. (Ord. 5065-1605, 1-23-2018)

#### **5-6-7 APPEAL PROCEDURE:**

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(A) The alarm user may, within twenty (20) days of the date of receipt of the false alarm notification (Section [5-6-6\(B\)](#)) or assessment (Section [5-6-9\(B\)](#)), appeal to the Police Chief (hereinafter "Chief") or Chief's designee in writing with the Chief or the Chief's designee.

1. The appeal shall contain specific defenses to the notice or assessment. Affirmative defenses to a false alarm notice or assessment may include evidence that a false alarm was caused by an act of nature, action of the telecommunications company, line outage, power outage or other extraordinary circumstances not reasonably subject to control by the alarm user.

2. Any appeal submitted pursuant to subsection (A)1 of this section shall be received by the Chief or Chief's designee within the time specified. If the appeal is not timely submitted, any appeal right shall be deemed to have been waived.

3. The appeal shall be heard and determined only on the written appeal and any other documents submitted with the appeal unless the alarm user requests in writing in the appeal a personal appearance. Such appearance shall be before the Chief of Police or Chief's designee.

4. Proof that repairs or adequate attempts have been made to remedy the cause of any false alarms, including written documentation of such repairs or attempts, may be considered by the Chief or Chief's designee as mitigating factor in an appeal.

(B) 1. If it is determined that a valid defense to the initial determination of false alarm notice or assessment has been set forth, a letter will be sent to the alarm user that the alarm is not deemed a false alarm activation. The notice shall specifically set forth the findings and conclusions of the Chief or Chief's designee and no assessment shall be made.

2. If the Chief or his designee determines that a defense to the initial notice of assessment has not been set forth, a notice of decision shall be sent by mail to the alarm user that he will be assessed pursuant to the appropriate section. The notice of decision shall contain the specific findings and conclusions of the Chief or his designee with respect to the review of the initial assessment.

3. Upon sufficient proof that repairs or adequate attempts have been made to remedy the cause of any false alarms, including written documentation of such repairs or attempts, the Hearing Officer may, in his or her discretion, suspend the penalty and/or the determination of any false alarms occurring after such repairs. (Ord. 5065-1605, 1-23-2018)

#### **5-6-8 CONFIDENTIALITY:**

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To the full extent permitted by law, alarm user information shall be confidential and shall not be subject to public inspection. (Ord. 5065-1605, 1-23-2018)

#### **5-6-9 ASSESSMENTS AND PENALTIES:**

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(A) Any person who violates any provision of this chapter shall be guilty of a civil violation and shall be subject to the provisions of Section [1-3-2](#) for each day that the violation continues.

(B) The following assessments shall be levied against the alarm user for each response by the Prescott Police Department to a false alarm within a calendar year from January 1st to December 31st. These assessments are in addition to any other assessments or penalties which may be levied.

1. Civil penalty initial assessment for the second false alarm: one hundred dollars (\$100.00).
2. Civil penalty assessment for the third false alarm: one hundred dollars (\$100.00).
3. Civil penalty assessment for the fourth false alarm: one hundred dollars (\$100.00).
4. Civil penalty assessment for fifth false alarm: one hundred dollars (\$100.00).
5. Upon receipt of the fifth false alarm, the Police Department shall suspend response to the premises, absent verified criminal activity or verified need for emergency services, until such time as the alarm user has produced sufficient documentation that the alarm is in proper working order and any equipment malfunctions have been addressed. Sufficient documentation may include: receipt of repair, letter of rectification from alarm company or verification of at least six (6) months of continual operation without an improper activation.

(C) The fee for a second false alarm at a registered premises shall be eligible to be waived upon completion of the online false alarm reduction education class available through the Police Department's web-based portal.

(D) Any unpaid balance of an assessment as listed under this section shall be subject to a charge of eighteen percent (18%) per year (one and one-half percent (1.5%) per month) if not paid within thirty (30) days from the date a bill is deposited in the regular first class U.S. mail with postage fully paid and addressed or sent by electronic transmission to the user, whichever is sooner. (Ord. 5065-1605, 1-23-2018)

#### **5-6-10 PAYMENT OF FEES AND ASSESSMENTS:**

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(A) Except as provided for herein, any and all fees and assessments provided for by this chapter shall be paid to and received by the City of Prescott within thirty (30) days from the date a bill is deposited in the regular first class U.S. mail with postage fully paid and addressed or sent by electronic transmission to the user.

(B) After sixty (60) days from the date a bill is deposited in the regular first class U.S. mail or sent by electronic transmission to an alarm user, whichever is sooner, if a bill remains unpaid the alarm user may be sent a final notice. Any final notice requires the immediate payment of all assessed penalties and other assessments or amounts due. (Ord. 5065-1605, 1-23-2018)

#### **5-6-11 SEVERABILITY:**

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The provisions of this chapter are hereby declared to be severable, and if any section, sentence, clause or phrase of this chapter shall, for any reason, be held to be invalid or unconstitutional, such decisions shall not affect the validity of the remaining sections, sentences, clauses and phrases of this chapter, but they shall remain in effect, it being the legislative intent that this chapter shall stand notwithstanding the validity of any part thereof. (Ord. 5065-1605, 1-23-2018)

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**The Prescott City Code is current through Ordinance 2018-1614, passed April 10, 2018.**

Disclaimer: The City Clerk's Office has the official version of the Prescott City Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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