

ORDINANCE NO. 2732 NEW SERIES

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AMENDING GLENDALE CITY CODE, CHAPTER 3 CONCERNING ALARM SYSTEMS; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLENDALE as follows:

SECTION 1. That Glendale City Code, Chapter 3 is hereby deleted in their entirety and a new Chapter 3 shall read as follows:

**ARTICLE I. IN GENERAL**

**Sec. 3-1. 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, installing, maintaining, or monitoring alarm systems, devices or services. It is further intended to encourage the improvement in reliability of these systems, devices and services to insure 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 burglary, robbery and commercial panic alarms, both audible and inaudible (silent). The provisions of this chapter shall not apply to audible alarms affixed to motor vehicles, audible fire alarms, medical alert devices, residential panic alarms and alarm systems that are operated by the City, County, State or Federal Government and installed on premises which such entity occupies or uses for governmental purposes.

**Sec. 3-2. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Act of God:* An unusual, extraordinary, sudden and unexpected manifestation of the forces of nature, which cannot be prevented by reasonable human care, skill or foresight.

*Alarm or alarm system:* A mechanical or electrical device that is used to detect smoke, fire, hazardous materials or an unauthorized entry into a building or other facility, or to alert other persons of the occurrence the commission of an unlawful act against a person or within a building or other facility, and that may be designed to emit an audible alarm or transmit a signal or message when activated. Alarm or alarm system includes, but is not limited to: silent, panic, holdup, robbery, duress, burglary, check welfare, and proprietor alarms. Alarm or alarm system shall not include telephone call diverters and systems that are designed to report environmental

and other occurrences and that are not designed to alert, or cause other persons to alert, public safety personnel.

*Alarm agent:* Any person who is employed by an alarm business either directly or indirectly, whose duties include any installing, maintaining, servicing or repairing any alarm or alarm system in or on any building, place or premises. Any person whose duties consist solely of resetting an alarm following activation shall not be deemed to be an alarm agent.

*Alarm business:* Any owner or operator of a business which sells, rents, installs, maintains or monitors alarm systems, devices, leases or services.

*Alarm subscriber:* Any person who leases, rents or purchases any monitored alarm system, device or service from an alarm business or who leases or rents an audible alarm system or device or who contracts with an alarm business for alarm monitoring, repair or maintenance services.

*Audible alarm:* A device designed for the detection of an unauthorized entry on premises and which when activated generates an audible sound on the premises.

*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 Police Department.

*Common cause:* A common technical difficulty or malfunction which causes an alarm system to generate a series of false alarms. The series of false alarms shall be counted as one (1) false alarm only if the false alarms have occurred within a seventy-two (72) hour period, and the responsible alarm business has documented, to the Police Chief, the action taken to rectify the cause and a thirty-day (30) period expires with the alarm system generating no additional false alarms from the documented cause.

*Controlling Person:* All current officers, managers and directors, and any person who is a stockholder, member, general or limited partner or owner, or who holds more than ten percent (10%) of the ownership, management rights, control or claim to the profits of the business. Controlling person does not include current officers, directors or shareholders of stock in any corporation that is traded on a national stock exchange.

*Convicted:* Having plead guilty of no contest to a crime, having been found guilty of a crime or having been sentenced for a crime, whether incarcerated, placed on probation, fined or having received a suspended sentence.

*Crime:* Any and all felonies, misdemeanors and serious driving offenses, including driving under the influence of intoxicating liquor or drugs, reckless driving, driving on a suspended, revoked, canceled or refused driver's license, or any driving offense for which the possible penalty includes jail time. Crime does not include minor or civil traffic offenses.

*False alarms:* Any activation of an alarm not caused by or as a result of a criminal act or unauthorized entry, except for activation for testing purposes when the Police Department has been given advance notice of such testing or activation caused by the Police Department.

*Licensing Authority:* The Tax and License Division of the City Finance Department or the Police Department, as applicable, who has the authority to issue licenses pursuant to this chapter or the reciprocal alarm licensing ordinance of another state, city or town.

*Medical alert device:* A device designed to help a patient obtain adequate help of the right type during a medical emergency.

*Monitored alarm:* A device designed for the detection of an unauthorized entry in premises and which when activated generates an inaudible signal to a monitoring station. A monitored alarm may also generate an audible sound on the premises.

*Panic Alarm:* A silent or audible alarm system signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring law enforcement response.

*Person:* A corporation, firm, partnership, association, organization or any other group acting as a unit, as well as an individual.

*Person financially interested:* For a corporation, any person who is the beneficial owner of at least fifty percent (50%) of the shares of such corporation; for a noncorporate business, any person who shares in, directly or indirectly, at least fifty percent (50%) of any financial gain attributable to such business as an owner, proprietor or otherwise.

*Primary Alarm License:* A special regulatory license issued by the licensing authority of a city or town that has adopted the reciprocal alarm licensing ordinance to an alarm business that has its headquarters, main office, corporate office or designated branch of the alarm business located within this state and within the borders of such licensing authority. In the event that an alarm business has its headquarters, main office, corporate office or designated branch in a city or town that does not require the licensing of alarm businesses, the alarm business may apply for a primary alarm business license from any city or town in this state that has adopted the reciprocal licensing ordinance.

*Proprietor alarm:* Any alarm or alarm system which is not leased or rented from, or owned or maintained under contract by an alarm business.

*Reciprocal Alarm License:* A special regulatory license issued by the licensing authority of a city or town that has adopted the reciprocal alarm licensing ordinance and in which that alarm business conducts business. This license shall be issued only to an alarm business that has a valid primary alarm license from a similar licensing authority within this state that has adopted the reciprocal alarm licensing ordinance.

*Reciprocal Alarm Licensing Ordinance:* Means an ordinance that is substantially the same in its material terms to the reciprocal alarm licensing provisions codified in this chapter and that is intended by the adopting jurisdiction to be recognized as being reciprocal with alarm licensing ordinances adopted by other cities and towns in this state. Minor or non-material variations that are enacted in a particular city or town to accommodate local conditions or needs shall not affect the reciprocal nature of the ordinance.

**Sec. 3-3. Administration.**

The provisions of this chapter shall be administered in a manner prescribed by the Police Chief.

**Sec. 3-4. Alarm business duties.**

- (a) The duties of an alarm business shall be as follows:
- (1) To install an alarm system compatible with the environment, to take reasonable measures to prevent the occurrence of false alarms; and, if it has agreed to provide maintenance or repair service to the system, to service the system within seventy-two (72) hours of a request for service. The alarm business shall not install a single action non-recessed button as a device to activate a panic alarm.
  - (2) To provide written and oral instructions to each of its alarm subscribers and/or the principal occupants of the buildings or premises protected by an alarm system in the proper use and operation of the system. Such instruction will specifically include all necessary instructions in turning the alarm on and off and in avoiding false alarms.
  - (3) To provide each purchaser and subscriber with a copy of the pertinent provisions of this chapter relating to alarm subscriber duties, an Alarm Subscriber/Proprietor Permit Application and false alarm assessments and appeal procedures. The alarm business shall complete and sign the Alarm Subscriber/Alarm Company Information Form with alarm subscriber and submit the form as required in subsection (7) of this section.
  - (4) Upon leasing or renting an audible alarm system:
    - a. To conspicuously place on the premises a tag identifying the pertinent alarm business including the telephone number to call when the alarm has been activated.
    - b. To maintain records of the location of these alarm systems, devices or services and the name and telephone number of the person and at least one (1) alternate to be notified whenever the alarm is activated and to readily report such information to the Police Department upon request.

- c. To inactivate or cause to be inactivated the audible alarm within sixty (60) minutes of the notification of its activation in the event the primary and alternate cannot be contacted or does not respond.

(5) Upon leasing, renting, selling or monitoring an inaudible alarm system:

- a. To establish a central receiving station in order to monitor these alarm systems. The central receiving station shall attempt to contact the alarmed location by telephonic or other electronic means on every alarm signal except a holdup, robbery, panic or duress alarm activation, whether or not actual contact with a person is made, before requesting a police response to an alarm system signal.
- b. To organize its central receiving station in order to be able to readily and positively identify the type of alarm, i.e. burglary, robbery or panic, and the location of the alarm, if there is more than one (1) system; whether the alarm is audible or silent; the alarm subscriber permit number and the description of the zone or sensor activated and the name and response time of a responsible party.
- c. To maintain records as to each of these alarm systems, devices or services which should include the name of the owner or occupant of the premises, the name and telephone number of the subscriber, a primary person and at least one (1) alternate responsible for responding to the premises when the alarm is activated, information concerning whether the alarm system includes an audible alarm and records of any alarm activation for a period of one (1) year from the date of the activation. The records required by this section shall be made available for inspection to any law enforcement officer of this state or city regulatory licensing inspections official upon twenty (20) days' prior written demand. The business may require the law enforcement officer or inspector to complete an inspection log with name, serial or badge number, time, date and purpose of the inspection.
- d. To make notification of activated alarm systems in the manner prescribed by the Police Chief, including such reasonable information concerning the alarm system as the Police Department may request. Reasonable information shall include copies of central station alarm activity reports, the names of persons from the activated alarm location who have contracted with the alarm business and any mailing or telephonic information for the activated alarm location. The information shall be made available at any time upon request for inspection by the City or Police Department representative.

- e. To arrange for either the alarm subscriber, alarm agent or other responsible representative to go to the premises of an activated alarm system within sixty (60) minutes 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 an unreasonable delay in arriving at the location of the alarm. If the police depart the premises prior to this requirement being met and the police are unable to determine the reason for the activation, such activation shall be deemed a false alarm.
  - f. To notify the alarm subscriber or other responsible person, in the case of a monitored alarm system, of all alarm activations at the alarm subscriber's premises within twenty-four (24) hours of activation, not including weekends or holidays, by telephone, electronic mail, facsimile transmission or written notice deposited in the United States mail.
- (6) To cease responsibility for an alarm system pursuant to this chapter, the alarm business shall promptly notify the Police Department in the event the alarm business ceases to lease, rent, maintain service or monitor any alarm system. The notice shall be sent within ten (10) days of the receipt of a notice issued pursuant to Sections 3-62 or 3-63 herein.
- (7) To submit on a form and in the manner prescribed by the Police Chief, such information concerning compliance of the alarm business with its duties under this section as the Police Chief may request. An alarm business representative and the subscriber shall complete and sign the Alarm Subscriber/Alarm Company Information Form, and the alarm business shall submit the form to the Police Department within ten (10) days of commencement of service for the alarm system.

(b) Alarm businesses which do not monitor, maintain, service or install alarms or alarm systems shall not be subject to subsection (a) of this section, but shall be responsible for instructing each person who purchases an alarm system in the proper use and operation of the alarm, informing each alarm subscriber or alarm purchaser to contact the Glendale Police Department for information regarding this chapter, advising each alarm subscriber or alarm purchaser of the requirement of an alarm subscriber permit and providing a copy of this chapter to each alarm subscriber or alarm purchaser. Such instruction will specifically include all instructions necessary to turn off the alarm and to avoid false alarms. Such instruction will specifically include all necessary instructions in turning the alarm on and off and in avoiding false alarms. Any alarm business that sells an alarm or an alarm system with monitoring services, or leases, rents, installs, maintains or services an alarm or alarm system shall be subject to subsections (a)(1) through (a)(7) of this section.

(c) Alarm businesses which monitor but do not sell, lease, rent, install, service or maintain alarms or alarm systems shall not be subject to subsections (a)(1) through (a)(4) of this section.

(d) Alarm businesses which sell or install alarms or alarm systems but do not lease, rent, monitor, service or maintain them shall not be subject to subsections (a)(1) or (a)(4) through (a)(6) of this section.

(e) An alarm business which violates any provision of this section is guilty of a class 1 misdemeanor.

### **Sec. 3-5. Alarm subscriber's duties.**

The duties of an alarm subscriber shall be as follows:

- (1) To instruct all personnel, who are authorized to place the system or device into operation, in the appropriate method of operation.
- (2) To inform personnel, who are authorized to place the alarm system into operation, of the provisions of this chapter, emphasizing the importance of avoiding false alarms.
- (3) To apply for an alarm subscriber permit from the Glendale Police Department.
- (4) To respond or to make arrangements for an alarm business or other responsible person to respond to the scene of an activated alarm within sixty (60) minutes of the alarm activation.
- (5) To maintain the alarm or alarm system in good working order and take reasonable measures to prevent the occurrence of false alarms.
- (6) An alarm subscriber who violates any provision of this section is guilty of a class 1 misdemeanor.

### **Sec. 3-6. Proprietor alarm responsibilities.**

The responsibilities of the owner of a proprietor alarm shall be as follows:

- (1) To be familiar with the provisions of this chapter and to apply for an alarm subscriber permit from the Glendale Police Department.
- (2) To maintain the alarm or alarm system in good working order and take reasonable measures to prevent the occurrence of false alarms.
- (3) Upon the purchase of any alarm system, device or service which includes an audible alarm:

- a. To notify the Police Department of the name, address and telephone number of the primary person and at least one (1) alternate who should be notified when the alarm is activated.
  - b. To inactivate or cause to be inactivated the alarm system within sixty (60) minutes of notification of its activation.
- (4) To instruct all persons who are authorized to place the system or device into operation in the appropriate method of operation and to lock and secure all points of entry, such as doors and windows.
- (5) To inform all persons who are authorized to place the alarm system into operation of the provisions of this chapter emphasizing the importance of avoiding false alarms.
- (6) A proprietor alarm owner who violates any provision of this section is guilty of a class 1 misdemeanor.

**Sec. 3-7. Activation for unauthorized purposes.**

It shall be unlawful for any person to intentionally activate any robbery alarm for any reason other than to warn of an actual robbery or to intentionally activate any burglar alarm for any reason other than to warn of an unauthorized entry into an alarm protected premises or to intentionally activate any commercial panic alarm for any reason other than to signal a life threatening or emergency situation requiring law enforcement response.

**Sec. 3-8. Shutting off after sounding alarm.**

No person or business who purchases, leases or rents an audible alarm system, device or service which is not connected to a central receiving station (of an alarm business) shall allow the alarm to sound in excess of sixty (60) minutes.

**Sec. 3-9. Automatic or prerecorded messages or signals connected directly to city.**

No person shall use or cause to be used any telephone device or telephone attachment that automatically selects a public primary telephone trunk line of the City and then reproduces any prerecorded message or signal.

**Sec. 3-10. Monitoring panels, annunciating or receiving equipment.**

No person shall place any monitoring panels and annunciation or receiving equipment in any City of Glendale building.

**Sec. 3-11. Confidentiality.**