

ORDINANCE NO. 811-23

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA, REPEALING CHAPTER 18, ARTICLE 18-3 ALARM SYSTEMS, REPLACING IT WITH A NEW ARTICLE 4-5 IN CHAPTER 4, POLICE DEPARTMENT; DECLARING A PUBLIC RECORD; PROVIDING PENALTIES FOR EXCESSIVE FALSE ALARMS AND OTHER VIOLATIONS; AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

WHEREAS, the Town of Queen Creek, Arizona (“Town”), established its own Queen Creek Police Department (“QCPD”) which launched January 11, 2022, replacing the Maricopa County Sheriff’s Department; and

WHEREAS, the QCPD has the responsibility for responding to alarms generated by alarm systems (“Alarm Systems”) in the Town requiring responses by the QCPD; and

WHEREAS, there are a significant and growing number of false alarms being received by the QCPD (“False Alarms”); and

WHEREAS, responding to False Alarms creates unnecessary expenses for the Town, wastes Town and particularly QCPD resources, and diverts QCPD personal from other public safety duties; and

WHEREAS, QCPD has identified reasonable changes to the existing Town Code Chapter 18, Article 18-3 Alarm Systems to more effectively address the problems caused by False Alarms and encourage Alarm System users to properly use and maintain the operational effectiveness of Alarm Systems in order to improve the reliability of Alarm Systems and reduce or eliminate False Alarms; and

WHEREAS, it is advantageous to the Town and its residents to implement the changes to Town Code provisions related to Alarm Systems and to move them to Chapter 4, Police Department; and

WHEREAS, A.R.S. § 9-802 allows provisions of a code and/or public records to be adopted by reference.

BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA, as follows:

Section 1: The attached Exhibit A, Queen Creek Town Code Chapter 18, FIRE PREVENTION AND PROTECTION, Article 4-5, ALARM SYSTEMS, is hereby declared to be a public record.

Section 2: The current Queen Creek Town Code Chapter 18, FIRE PREVENTION AND PROTECTION, Article 18-3, ALARM SYSTEMS, by repealing it and replacing the current Article 18-3 with the attached Exhibit A. The current assessment

schedule and other penalties in Article 18-3 will remain in effect until the assessments and penalties in the new Article 4-5 become effective.

Section 3: The revised Queen Creek Town Code Chapter 4, POLICE DEPARTMENT, Article 4-5, ALARM SYSTEMS, adopted by this Ordinance includes the following penalties:

4-5-10 False Alarms; Notifications; Assessments

- A. Any Alarm System which has three (3) or more False Alarms within a Violation Year shall be considered excessive and constitute a public nuisance. The Alarm User shall be subject to a False Alarm assessment as provided in this Section.
- B. Newly installed or activated Alarm Systems shall not be subject to the provisions of this Section relating to the counting and assessment of False Alarms for a period of fifteen (15) calendar days from the date the Alarm System becomes operational. The grace period provided in this subsection shall apply only if the Alarm User can provide evidence of such new installation and/or activation.
- C. Upon recording three or more False Alarms, the Alarm Administrator shall notify the Alarm User in writing by mail and/or electronic mail. This notification shall contain:
 1. The dates for all false occurrences; and
 2. The amount of the False Alarm assessment for the False Alarm.
 3. Notice of the right of appeal under this Article.
 4. Due date for assessment payment.
- D. To defray the cost of responding to False Alarms and to discourage repeat False Alarms, the Alarm User shall be subject to a False Alarm assessment, depending on the number of False Alarms within a Violation Year. The Alarm User shall be responsible for the immediate payment of all fees and assessments to the Town. False alarm assessments are based upon the following schedule:

False Alarm	Assessment
1 st and 2 nd False Alarm	\$0.00
3 rd False Alarm	\$50.00
4 th False Alarm	\$100.00
5 th False Alarm	\$150.00
6 th False Alarm	\$200.00
7 th False Alarm	\$250.00
8 th False Alarm	\$300.00
9 th False Alarm	\$350.00
10 th False Alarm and any subsequent False Alarm thereafter	\$400.00

- E. An Alarm User may have the option of attending an Alarm User awareness class in lieu of paying one prescribed assessment during the Violation Year.
- F. False Alarms 1 thru 10 are not subject to civil or criminal penalties as specified in Chapter 9, Article 21, Section 2. If an Alarm User has eleven (11) or more False Alarms in a Violation Year, each subsequent violation will be considered unlawful and subject to civil or criminal penalties (as specified in Chapter 9, Article 21, Section 2) in addition to the specified assessment).
- G. The Alarm Administrator may adjust the count of False Alarms based on:
 - 1. Evidence that a False Alarm was caused by an Act of God.
 - 2. Evidence that a False Alarm was caused by action of the telephone or other utility provider.
 - 3. Evidence demonstrating cancellation of an alarm dispatch request occurred prior to law enforcement arrival at the Alarm Site.
 - 4. Evidence of a runaway alarm where police response was discontinued.
- H. In addition to a False Alarm assessment, an administrative action assessment will be applied to any Alarm User that does not have a current or valid Alarm Permit and has a False Alarm at their Alarm site. The Alarm User shall be responsible for the immediate payment of fees and assessments to the Town. Unregistered Alarm Site assessments are based upon the following schedule:

Unregistered Alarm Site	Assessment
1 st False Alarm	\$0.00
2 nd False Alarm	\$50.00
3 rd False Alarm	\$100.00
4 th False Alarm	\$150.00
5 th False Alarm	\$200.00
6 th False Alarm	\$250.00
7 th False Alarm	\$300.00
8 th False Alarm	\$350.00
9 th False Alarm and any subsequent False Alarm thereafter	\$400.00

- I. No Alarm Permit/Registration violations 1 thru 9 are not subject to civil or criminal penalties (as specified in Chapter 9, Article 21, Section 2). If an Alarm User has ten (10) or more Unregistered Alarm Site violations/assessments in a Violation Year, each subsequent violation will be considered unlawful and subject to civil or criminal penalties (as specified in Chapter 9, Article 21, Section 2) in addition to the specified assessment.
- J. Additional fees may be applied to any late payments.
- K. Additional services charges may be applied to all fees and assessments.

- L. Fees and assessments shall be paid to the Town within thirty (30) calendar days from the date of the invoice. After 120 calendar days, all unpaid fees and assessments shall be sent to collections, and possible revocation of permit may be considered.
- M. In addition to these remedies, the Town may also bring an action in the appropriate court for an injunction to prohibit use of the Alarm System with all costs of such suit assessed to the Alarm User.

4-5-15 Penalties

- A. Assessments related to False Alarms and no Unregistered Alarm Site violations are outlined in Section 18-3-10.
- B. Except as otherwise specifically provided in this Article, Town Code or in State Statute, any person who fails to comply with requirements of this Article, or violates any of their provisions, is guilty of a Civil Offense.
- C. Chapter 9, Article 21, Section 2, applies to violations of this Article.

Section 4: All ordinances and resolutions, and parts of ordinances or resolutions in conflict with the provisions of this Ordinance or any part of the Town Code adopted herein are hereby repealed as of the effective date of this Ordinance.

Section 5: The repeal of the existing Queen Creek Town Code Chapter 18, FIRE PREVENTION AND PROTECTION, Article 18-3, ALARM SYSTEMS and adoption of the attached Exhibit A Queen Creek Town Code Chapter 4, POLICE DEPARTMENT, Article 4-5, Alarm Systems, does not affect the rights and duties that matured or penalties that were incurred and proceedings that were begun before the effective date of the repeal.

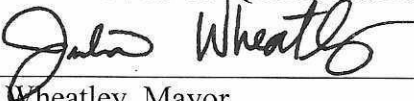
Section 6: All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Town Code adopted herein by reference are hereby repealed as of the effective date of this Ordinance.

Section 7: If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of this additional or modification adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 8: The Town Clerk is hereby directed to publish this adopting ordinance in full and at least one paper copy and one electronic copy of this Ordinance is to be filed with the Town Clerk, and three copies of the attached Exhibit A shall remain on file with the Town Clerk.

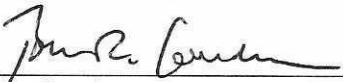
PASSED AND ADOPTED by the Mayor and Common Council of the Town of Queen Creek, Arizona, this 3rd day of May 2023.

FOR THE TOWN OF QUEEN CREEK:



Julia Wheatley, Mayor

REVIEWED BY:



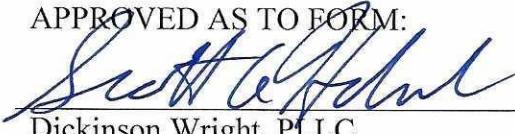
Bruce Gardner, Town Manager

ATTESTED TO:



Maria Gonzalez, Town Clerk

APPROVED AS TO FORM:



Dickinson Wright, PLLC
Attorneys for the Town

ORDINANCE 811-23 Exhibit A
Queen Creek Town Code Chapter 4, POLICE DEPARTMENT,
Article 4-5, Alarm Systems

4-5-1 Definitions

“Alarm Administrator” means a person or persons designated by the Town of Queen Creek to administer, control, and review False Alarm reduction efforts and administer the provisions of this Article.

“Alarm Business” means the business, by an individual, partnership, corporation, or other entity, of selling, leasing, servicing, repairing, altering, replacing, moving, installing, or monitoring an Alarm System, devices or services. This does not include persons doing installation or repair work where such work is performed without compensation of any kind (*i.e.*, “do-it-yourselfers”).

“Alarm Dispatch Request” means a notification to the Police Department that an alarm, either manual or automatic, has been activated at a particular Alarm Site.

“Alarm Monitoring” means the process by which an Alarm Business receives signals from an Alarm System and relays an Alarm Dispatch Request to the municipality for the purpose of summoning a Responder Public Safety Response to the Alarm Site.

“Alarm Permit” means written authorization issued by the Alarm Administrator to an Alarm User to operate an Alarm System and registration of the Alarm System with the Town.

“Alarm Response Manager (ARM)” means a natural person designated by an Alarm Business who will act as the point of contact for the Alarm Administrator and shall have authority on behalf of the Alarm User to act on alarm concerns in accordance with the requirements of this Article.

“Alarm Site” means a single fixed 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.

“Alarm System” means a device or series of devices which emit or transmit a remote or local audible, visual or electronic signal indicating an alarm condition and intended to summon a Public Safety Response, including Local Alarm Systems.

“Alarm User” means any person (owner, manager, *etc.*) who has responsibility for or primary control of an Alarm Site.

“ANSI/SIA Control Panel Standard CP-01” means the ANSI - American National Standard Institute approved Security Industry Association - SIA CP-01 Control Panel Standard, as may be updated from time to time, that details recommended design features for Alarm System control panels and their associated arming and disarming devices to reduce the incidence of False Alarms. Control panels built and tested to this standard by Underwriters Laboratories (UL), or other nationally recognized testing organizations, will be marked to state: “Design evaluated in accordance with SIA CP-01 Control Panel Standard Features for False Alarm Reduction”.

“Automatic Dialing Device” means any device or service capable of (1) automatically selecting a public safety or emergency services telephone line and producing any prerecorded message, signal, or otherwise maintaining an open line without a direct person-to-person communication; or (2) preventing termination of a call by public safety or emergency services.

“Cancellation” means the process where response is terminated when an Alarm Business for the Alarm Site notifies the Police Department that there is not a situation at the Alarm Site requiring public safety response.

“Duress Alarm” means a silent Alarm System signal generated by pressing a button or entering a designated code into an arming station in order to signal that the Alarm User is being forced to turn off the system and resulting in a request for Public Safety Response.

False Alarm” means an Alarm Dispatch Request to the Police Department, when the responding officer finds no evidence of a criminal offense, attempted criminal offense, or other emergency, after having completed an investigation of the Alarm Site.

“Holdup/Robbery Alarm” means an Alarm System signal generated by the manual activation of a device intended to signal a robbery in progress.

“Keyholder” means an individual capable of reaching and having access to the Alarm Site, the code to the Alarm System and the authority to approve repairs to the Alarm System.

“Local Alarm System” means any Alarm System, which is not monitored, that annunciates an alarm only at the Alarm Site.

“Panic Alarm” means an audible Alarm System signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring public safety response.

“Person” means an individual, corporation, partnership, association, organization or similar entity.

“Owner” means any person who owns the premises or Alarm Site in which an Alarm System is installed or the person or persons who lease, operate, occupy or manage the premises or Alarm Site.

“Public Safety Response” means a response to an Alarm Dispatch Request by the Town’s Police Department, Fire Department, and/or other agencies that may be assisting them.

“Responder” means a person or entity that responds to confirm that an attempted or actual crime or other emergency has occurred at an Alarm Site.

“Runaway Alarm” means an Alarm System that produces repeated alarm activations that do not appear to be caused by separate human action. Law enforcement may, in its discretion, discontinue Public Safety Responses to alarm activations from what appears to be a Runaway Alarm.

“Unregistered Alarm Site” means a site that has not complied with a jurisdiction’s registration requirements as defined in section 4-5-4.

“Violation Year” means a rolling or trailing calendar of 365 days after the first incidence of a False Alarm.

“Zones” means the capability of an Alarm System to separate and report incidents or alarms by area. (Example: Zone 1 – Front Door Contact; Zone 2 – Front Entry Motion Detector).

4-5-2 Purpose; Scope and Application

- A. The purpose of this Article is to encourage Alarm Users to properly use and maintain the operational effectiveness of Alarm Systems in order to improve the reliability of Alarm Systems and reduce or eliminate False Alarms.
- B. This Article authorizes the Town Police Department to govern burglary, panic, duress, hold-up, robbery, and other similar Alarm Systems. This Article requires permits, establishes assessments and penalties, provides for revocation of permits, and provides penalties for violations.
- C. This Article applies to all Alarm Businesses, Alarm Sites, and Alarm Users located or operating in the Town. This Article also applies to all Persons who have installed (Do It Yourself or DIY) and/or monitor their own Alarm System (Monitor It Yourself or MIY) unless expressly exempted.

4-5-3 Exemptions

- A. This Article shall not apply to an Alarm System installed on a motor vehicle or a boat unless the alarm is permanently located at a site or is connected to an Alarm Monitoring Business.
- B. An Alarm User which is a federal, state, county, or municipal government entity shall be subject to this Article but shall not be subject to revocation or payment of additional fees or the imposition of any penalty provided herein.
- C. This Article does not govern calls made directly to the emergency communications center by residents, guests or business occupants. This Article shall apply only to calls made to the emergency call center by contracted third parties not physically present at the Alarm Site.
- D. This Article does not apply to Personal Emergency Response System Alarms (PERS) installed at the residence of a person, monitored by an Alarm Business, and designed only to permit the person to signal the occurrence of a medical or personal emergency so that the business may dispatch appropriate aid; it is not part of a burglar Alarm System or fire Alarm System.
- E. This Article does not apply to audible smoke detectors or other fire Alarm Systems.

4-5-4 Permit Registration Required; Application; Transferability

- A. No Alarm User shall operate, or cause to be operated, an Alarm System at its Alarm Site without a valid Alarm Permit being registered.
- B. A separate Alarm Permit registration is required for each Alarm System.
- C. If an Alarm User has an Alarm System protecting two or more separate structures having different addresses or tenants, a separate permit shall be required for each structure or tenant.
- D. The application for an Alarm Permit shall be made on a form approved by the Alarm Administrator.
- E. The Alarm Permit applicant shall designate a responsible individual on behalf of the Alarm User
- F. Alarm Permit registration is free of charge to all Alarm Users.
- G. An Alarm User's Alarm Permit shall be available within the Alarm Site for inspection by the Alarm Administrator.
- H. An Alarm User shall inform the Alarm Administrator of any change that alters any of the information listed on the Alarm Permit registration application within fifteen (15) calendar days of such change.
- I. Alarm Permits are not transferable from one Alarm User to another Alarm User or from one Alarm Site to another Alarm Site.
- J. All fees and assessments owed by an Alarm Permit applicant must be paid before an Alarm Permit may be issued or renewed.

4-5-5 Permit Duration; Renewal

- A. Alarm permits are valid for one year from registration.
- B. The Alarm Administrator shall notify each Alarm User of the need to renew at least thirty (30) calendar days prior to the expiration of the Alarm Permit.
- C. It is the responsibility of the Alarm User to submit an application prior to the Alarm Permit expiration date. Failure to renew will cause the Alarm Site to be classified as an-Unregistered Alarm Site and citations and penalties may be assessed.

4-5-6 Permit Revocation

- A. If after receipt of written notification from the Alarm Administrator, the Alarm User fails to pay the False Alarm assessment or other applicable fees within the time period indicated on the invoice, the Alarm Administrator may summarily revoke the Alarm Permit.
- B. An Alarm User whose Alarm Permit has been revoked shall be given written notification by mail or email within five (5) business days.
 - 1. Notice shall be considered issued on the date the notice is mailed or emailed to the Alarm User at the address listed on the Alarm Permit application or to an alternate address previously provided by the Alarm User to the Alarm Administrator.
 - 2. The Alarm User must discontinue the use of the Alarm System within seven (7) calendar days from the date of notice.
 - 3. The revocation notice shall also include information on the Alarm User's right to appeal the revocation.
- C. An Alarm User whose Alarm Permit has been revoked may have the Alarm Permit reinstated by the Alarm Administrator upon resolution and payment of all outstanding fees and assessments owed to the Town in relation to the Alarm Permit.
- D. An Alarm User that continues to use an Alarm System without an Alarm permit may be assessed additional fees, fines and assessments as provided in this Article and Chapter 9.

4-5-7 Alarm User; Duties

- A. The Alarm User shall:
 - 1. Comply with the Alarm Permit requirements in Sections 4-5-4 through 4-5-6.
 - 2. Maintain the Alarm Unit and the Alarm System in a method that will reduce or eliminate False Alarms.
 - 3. Respond or arrange for a response to the Alarm Unit of an activated Alarm System by a responsible representative within thirty (30) minutes of any Public Safety Personnel request. The responding person should have access to the premises and the code to reset the alarm/security system
 - 4. Not use Automatic Dialing Devices.
 - 5. Not activate an alarm for any reason other than an occurrence of an event that the Alarm System was intended to report.
 - 6. Adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal audible on the exterior of an Alarm Site will sound for no longer than fifteen (15) minutes after being activated.
 - 7. Maintain a set of written operating instructions for each Alarm System at each Alarm Site.
 - 8. Provide the Alarm Administrator with current contact information (i.e., name, address, telephone number) for a primary and secondary Responder who can be notified when an Alarm System signal is activated.
 - 9. Provide instruction to all persons who are authorized to place the Alarm System into operation in the appropriate method of operation.

4-5-8 Alarm Business; Duties

- A. Each Alarm Business shall:
1. Maintain Arizona State Certification or Registration as described by A.R.S. § 32-121, and furnish proof of current certification or registration to the Alarm Administrator upon request.
 2. Install each Alarm System in a manner compatible with the environment and within the manufacturer's specified parameters of the devices.
 - a. Connect and program the detectors in the Alarm System to report detailed zone and detector information on the type and location of each device.
 - b. Use only ANSI/SIA CP-01 listed alarm control panels on all new installations and panel replacements or upgrades.
 3. Take reasonable measures to prevent the occurrence of False Alarms.
 4. At a minimum, provide written instructions to each of its Alarm Users in the proper use and operation of their Alarm Systems. Such instructions will specifically include all instructions necessary to turn the Alarm System on and off (arm and disarm) and how to cancel an alarm.
 5. Ensure that all Alarm Users of Alarm Systems equipped with a duress, holdup, robbery or panic alarm are given adequate training.
 6. Provide new customers with a summarized copy of this Article and instructions on where/how to register for an Alarm User Permit.
 7. Provide written information on how to obtain service from the Alarm Business for the Alarm System.
 8. Maintain current records of all Alarm System locations and provide the Alarm Administrator with current contact information (name, address, and telephone number) for:
 - A. Alarm Users;
 - B. An alternative representative (designated by the Alarm User) to be notified when the Alarm System is activated.
 10. Designate an alarm response manager (ARM) who will act as the point of contact for the Alarm Administrator.
 11. Not install, support, or use Automatic Dialing Devices.
 12. Not install, support, or use a device to activate a holdup, robbery, duress or panic alarm, which is a single action, non-recessed button.
 13. Notify the Alarm Administrator if the Alarm Business takes over responsibility for Alarm System accounts from another person and provide details as may be reasonably requested by the Alarm Administrator.
 14. In order to terminate responsibility for an Alarm System, the alarm business shall promptly notify the Alarm Administrator in writing if the alarm business ceases to lease, rent, maintain, service or monitor an Alarm System. This notice shall be sent within ten (10) calendar days of the change in circumstances.
 15. Monitor Alarm Systems in compliance with the following:
 - a. Communicate alarm signals, alarm dispatch requests, and cancellations to the police department in a manner and form determined by the Alarm Administrator.
 - b. Request alarm response using public safety telephone numbers designated by the Alarm Administrator.
 - c. Arrange for the Alarm User, or the Alarm User's designated representative to go to the premises of an activated Alarm System within thirty (30) minutes to assist the

- police Responder in determining the reason for activation and securing the Alarm Site premises.
- d. Communicate any available information related to the Alarm Dispatch Request, including:
 - 1) Alarm Permit registration number.
 - 2) Nature of the alarm (i.e., burglary, robbery, panic, duress, silent or, audible).
 - 3) Specific location of all alarm signals (interior or perimeter, north, south, front, back, floor, etc.).
 - 4) Advise if the Alarm User or the Keyholder is on the way to the Alarm Site with their estimated time of arrival (ETA) and description of vehicle.
 - 5) Alarm Business operator name and I.D. number.
 - 6) Alarm Business telephone call back number.
 - 7) Alarm Business license number (License number assigned by the Alarm Administrator).
 - e. If the Public Safety Responder departs the Alarm Site prior to the arrival of the Alarm User or the Alarm User's designated responsible representative; the user or representative may report their arrival at the Alarm Site (and their subsequent inspection of the Alarm Site) by telephonic notification to the police department. If this requirement is not met and police are unable to determine the reason for the activation, such activation shall be deemed a False Alarm.
 - f. If unable to contact the Alarm User, or the Alarm User's designated representative, at the time of the activation, the Alarm Business will attempt to contact/notify the Alarm User or Representative within 24 hours via mail, fax, telephone or other electronic means when an Alarm Dispatch Request is made.
16. Maintain for a period of at least one year from the date of the alarm dispatch request, records relating to alarm dispatch requests. Records must include the name, address and telephone number of the Alarm User, the Alarm System zone(s) activated, and the time of alarm dispatch request. The Alarm Administrator may request copies of such records for individually named Alarm Users. This information shall be provided within fifteen (15) calendar days of receiving the request.
17. Disconnect services within seven (7) calendar days after receiving notification by the Alarm Administrator that an Alarm User's permit has been revoked.

4-5-9 Alarm Administrator; Duties

- A. The Alarm Administrator shall:
 - 1. Designate a manner, form, and telephone numbers for the communication of Alarm Dispatch Requests.
 - 2. Establish a procedure to accept cancellation of Alarm Dispatch Requests.
 - 3. Establish a procedure to record such information on Alarm Dispatch Requests necessary to permit the Alarm Administrator to maintain records.
 - 4. Establish a procedure for the notification to the Alarm User of a False Alarm.
 - 5. Make a copy of this Article and/or an Article summary sheet available to the Alarm User.
 - 6. Upon receipt of a completed Alarm Permit application form for an Alarm User, the Alarm Administrator shall register the applicant unless the applicant has:

- a. Failed to pay a fee or assessment applied under this Article; or
 - b. Had an Alarm Permit for the Alarm Site suspended or revoked, and the violation causing the suspension or revocation has not been corrected.
7. Notify the Alarm User in writing after each billable False Alarm. The notification shall include:
 - a. The dates for all false occurrences; and
 - b. The amount of the False Alarm assessment for the False Alarm.
 - c. Notice that the Alarm User can attend Alarm User awareness class to waive a fee or assessment (if applicable)
 - d. Description of the appeals procedure available to the Alarm User.

4-5-10 False Alarms; Notifications; Assessments

- A. Any Alarm System which has three (3) or more False Alarms within a Violation Year shall be considered excessive and constitute a public nuisance. The Alarm User shall be subject to a False Alarm assessment as provided in this Section.
- B. Newly installed or activated Alarm Systems shall not be subject to the provisions of this Section relating to the counting and assessment of False Alarms for a period of fifteen (15) calendar days from the date the Alarm System becomes operational. The grace period provided in this subsection shall apply only if the Alarm User can provide evidence of such new installation and/or activation.
- C. Upon recording three or more False Alarms, the Alarm Administrator shall notify the Alarm User in writing by mail and/or electronic mail. This notification shall contain:
 1. The dates for all false occurrences; and
 2. The amount of the False Alarm assessment for the False Alarm.
 3. Notice of the right of appeal under this Article.
 4. Due date for assessment payment.
- D. To defray the cost of responding to False Alarms and to discourage repeat False Alarms, the Alarm User shall be subject to a False Alarm assessment, depending on the number of False Alarms within a Violation Year. The Alarm User shall be responsible for the immediate payment of all fees and assessments to the Town. False alarm assessments are based upon the following schedule:

False Alarm	Assessment
1 st and 2 nd False Alarm	\$0.00
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9 th False Alarm	\$350.00
10 th False Alarm and any subsequent False Alarm thereafter	\$400.00

- E. An Alarm User may have the option of attending an Alarm User awareness class in lieu of paying one prescribed assessment during the Violation Year.
- F. False Alarms 1 thru 10 are not subject to civil or criminal penalties as specified in Chapter 9, Article 21, Section 2. If an Alarm User has eleven (11) or more False Alarms in a Violation Year, each

subsequent violation will be considered unlawful and subject to civil or criminal penalties (as specified in Chapter 9, Article 21, Section 2) in addition to the specified assessment).

- G. The Alarm Administrator may adjust the count of False Alarms based on:
1. Evidence that a False Alarm was caused by an Act of God.
 2. Evidence that a False Alarm was caused by action of the telephone or other utility provider.
 3. Evidence demonstrating cancellation of an alarm dispatch request occurred prior to law enforcement arrival at the Alarm Site.
 4. Evidence of a runaway alarm where police response was discontinued.
- H. In addition to a False Alarm assessment, an administrative action assessment will be applied to any Alarm User that does not have a current or valid Alarm Permit and has a False Alarm at their Alarm Site. The Alarm User shall be responsible for the immediate payment of fees and assessments to the Town. Unregistered Alarm Site assessments are based upon the following schedule:

Unregistered Alarm Site	Assessment
1 st False Alarm	\$0.00
2 nd False Alarm	\$50.00
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- I. No Alarm Permit/Registration violations 1 thru 9 are not subject to civil or criminal penalties (as specified in Chapter 9, Article 21, Section 2). If an Alarm User has ten (10) or more Unregistered Alarm Site violations/assessments in a Violation Year, each subsequent violation will be considered unlawful and subject to civil or criminal penalties (as specified in Chapter 9, Article 21, Section 2) in addition to the specified assessment.
- J. Additional fees may be applied to any late payments.
- K. Additional services charges may be applied to all fees and assessments.
- L. Fees and assessments shall be paid to the Town within thirty (30) calendar days from the date of the invoice. After 120 calendar days, all unpaid fees and assessments shall be sent to collections, and possible revocation of permit may be considered.
- M. In addition to these remedies, the Town may also bring an action in the appropriate court for an injunction to prohibit use of the Alarm System with all costs of such suit assessed to the Alarm User.

4-5-11 Appeals

- A. If the Alarm Administrator assesses a fee or denies the issuance, renewal or reinstatement of an alarm registration, the Alarm Administrator shall send written notice of the action and a statement of the right to an appeal to either the affected applicant or Alarm User.
- B. The Alarm User or permit applicant may appeal the decision of the Alarm Administrator to a designated hearing officer using the following process:

1. File a written request setting forth the reasons for appeal within fifteen (15) calendar days after notification of the Alarm Administrator's action/decision.
 2. The request for an appeal shall set forth the specific objections to the Alarm Administrator's decision which forms the basis of the appeal.
 3. The hearing officer shall set a time and place for the hearing as soon as practicable.
 4. The decision of the hearing officer shall be based upon the evidence presented and shall either:
 - a. Affirm the decision of the Alarm Administrator, in which case any fee, assessment, or permit revocation imposed pursuant to this decision shall be sustained; or
 - b. Reverse the decision of the Alarm Administrator, in whole or part, in which case no False Alarm assessment shall be imposed.
 5. Filing of a request for appeal shall stay the initial action by the Alarm Administrator of revoking an Alarm Permit or requiring payment of a False Alarm assessment, until the hearing officer has completed the review.
 6. If a request for appeal is not made within fifteen (15) calendar days, the Alarm User shall be deemed to have waived their right to any further review or hearing, and the action of the Alarm Administrator will be final.
- C. Citations related to civil or criminal violations will not be managed by this process. Any hearing related to these offenses will be managed by the assigned court of jurisdiction.

4-5-12 Prohibited Acts

- A. It shall be unlawful for any person to intentionally activate any Alarm System for any reason other than to warn of an actual emergency. This section shall not apply to the testing of Alarm Systems when the testing is done in accordance with the prescribed guidelines set by the Alarm Administrator and only after the Alarm Administrator has been given advance notice of such testing.
- B. It shall be unlawful for an Alarm User to allow an audible alarm to sound in excess of fifteen (15) minutes under any circumstance.
- C. Within five (5) business days from the issuance of the final determination of assessment pursuant to this Article for the tenth False Alarm within a Violation Year, it shall be unlawful to operate the Alarm System in such a manner that results in any subsequent False Alarms.
- D. Within five (5) business days from the issuance of the final determination of assessment pursuant to this Article for the ninth Unregistered Alarm Site violation within a Violation Year, it shall be unlawful to operate the Alarm System without an Alarm Permit registration.
- E. It shall be unlawful to install, maintain, or use an Automatic Dialing Device.
- F. Violation of any other provision of this Article that is not otherwise designated as a public nuisance or administrative action.

4-5-13 Confidentiality

- A. Except as otherwise provided in section (B) below, all information contained in and gathered through the alarm registration applications, records relating to alarm dispatch requests, and applications for appeals shall be held in confidence by all employees or representatives of the Town and by any third-party administrator or employees of a third-party administrator with access to such information.

- B. Town representatives may disclose:
 - 1. The name and address of the Alarm User and the amount of delinquent, unpaid fees, service charges, or assessments to a private collection agency with a written agreement with the town.
 - 2. The name and address of the Alarm User, and the Alarm Permit number to the Alarm Business that monitors the Alarm System.
 - 3. Information regarding an Alarm User to a designated hearing officer or authorized Public Safety personnel.

4-5-14 Government Immunity; Liability

- A. The Town shall not be liable for any failure to respond to an Alarm System signal notification. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained.
- B. If the Town finds it necessary to revoke an Alarm Permit, which results in discontinued use of an Alarm System, the Town shall incur no liability.
- C. Alarm permitting and registration is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, on the part of the Town or its Public Safety personnel to respond.
- D. By applying for an Alarm Permit, the Alarm User acknowledges that Public Safety Response may be influenced by factors such as: the availability of Public Safety units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels, and prior response history.

4-5-15 Penalties

- A. Assessments related to False Alarms and no Unregistered Alarm Site violations are outlined in Section 4-5-10.
- B. Except as otherwise specifically provided in this Article, Town Code or in State Statute, any person who fails to comply with requirements of this Article, or violates any of their provisions, is guilty of a Civil Offense.
- C. Chapter 9, Article 21, Section 2, applies to violations of this Article.