

ORDINANCE NO. 2017-29

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, AMENDING CHAPTERS 15 AND 21 OF THE PEORIA CITY CODE (1992) BY RENUMBERING SECTIONS 21-1 THROUGH 21-15 AS RESERVED SECTIONS 15-1 THROUGH 15-15; BY AMENDING SECTION 21-16 AND RENUMBERING IT AS SECTION 15-16 PERTAINING TO POLICE DEPARTMENT; ESTABLISHMENT; COMPOSITION; PERSONNEL; POSITION CLASSIFICATION PLAN; BY RENUMBERING SECTION 21-17 AS SECTION 15-17 PERTAINING TO DEPARTMENTAL RULES AND REGULATIONS; BY AMENDING SECTION 21-18 AND RENUMBERING IT AS SECTION 15-18 PERTAINING TO DUTIES OF THE POLICE DEPARTMENT; BY RENUMBERING SECTION 21-19 AS SECTION 15-19 PERTAINING TO UNARMED POLICE ASSISTANTS; BY RENUMBERING SECTION 21-20 AS SECTION 15-20 PERTAINING TO TRAFFIC INVESTIGATORS; BY RENUMBERING SECTIONS 21-21 THROUGH 21-29 AS RESERVED SECTIONS 15-21 THROUGH 15-29; BY RENUMBERING SECTION 21-30 AS RESERVED SECTION 15-30; BY AMENDING SECTION 21-31 AND RENUMBERING IT AS SECTION 15-31 PERTAINING TO ALARM SYSTEMS; APPLICABILITY; BY AMENDING SECTION 21-32 AND RENUMBERING IT AS SECTION 15-32 PERTAINING TO ALARM SYSTEMS; DEFINITIONS; BY AMENDING SECTION 21-33 AND RENUMBERING IT AS SECTION 15-33 PERTAINING TO ADMINISTRATION; ALARM LICENSING, NOTIFICATION; BY AMENDING SECTION 21-34 AND RENUMBERING IT AS SECTION 15-34 PERTAINING TO ALARM BUSINESS DUTIES; BY AMENDING SECTION 21-35 AND RENUMBERING IT AS SECTION 15-35 PERTAINING TO ALARM SUBSCRIBER'S AND PROPRIETOR DUTIES; BY AMENDING SECTION 21-36 AND RENUMBERING IT AS SECTION 15-36 PERTAINING TO ALARM BUSINESS; PERMITS AND EXEMPTIONS; BY REPEALING SECTION 21-37 IN ITS ENTIRETY AND RENUMBERING IT AS RESERVED SECTION 15-37; BY REPEALING SECTION 21-38 IN ITS ENTIRETY AND RENUMBERING IT AS RESERVED SECTION 15-38; BY AMENDING SECTION 21-39 AND RENUMBERING IT AS SECTION 15-39 PERTAINING TO FALSE ALARMS; WARNING NOTICE; BY AMENDING SECTION 21-40 AND RENUMBERING IT AS SECTION 15-40 PERTAINING TO POLICE REVIEW OF FALSE ALARMS; BY RENUMBERING SECTION 21-41 AS SECTION 15-41 PERTAINING TO FALSE ALARM ASSESSMENTS; APPEAL PROCEDURES; BY RENUMBERING SECTION 21-42 AS SECTION 15-42 PERTAINING TO ALARM SYSTEM OPERATION PROHIBITIONS; BY AMENDING SECTION 21-43

AND RENUMBERING IT AS SECTION 15-43 PERTAINING TO GRACE PERIOD; BY AMENDING SECTION 21-44 AND RENUMBERING IT AS SECTION 15-44 PERTAINING TO ALARM SYSTEMS; REGULATIONS; BY RENUMBERING SECTION 21-45 AS SECTION 15-45 PERTAINING TO PROHIBITION OF AUTOMATIC OR PRERECORDED MESSAGES TO THE CITY; EXCEPTION; BY RENUMBERING SECTION 21-46 AS SECTION 15-46 PERTAINING TO APPLICATION; REQUIREMENTS; INSTALLATION, RESTRICTIONS; BY RENUMBERING SECTION 21-47 AS SECTION 15-47 PERTAINING TO CONFIDENTIALITY; BY AMENDING SECTION 21-48 AND RENUMBERING IT AS SECTION 15-48 PERTAINING ALARM CALL CANCELLATIONS; BY ADDING A NEW SECTION TO BE NUMBERED AS SECTION 15-49 PERTAINING TO GOVERNMENT IMMUNITY; BY REPEALING RESERVED SECTIONS 21-50 THROUGH 21-52; IDENTIFYING CURRENT CHAPTER 15 OF THE PEORIA CITY CODE (1992) TO BE RENUMBERED AND/OR AMENDED BY A SEPARATE ORDINANCE; AND PROVIDING FOR SEVERABILITY AND FOR AN EFFECTIVE DATE.

THEREFORE, it is ordained by the Mayor and Council of the City of Peoria as follows:

SECTION 1. Chapter 21 of the Peoria City Code (1992) is amended by renumbering Sections 21-1 through 21-15 as reserved Sections 15-1 through 15-15 and which shall read as follows:

Secs. ~~21-1~~15-1. through ~~21-15~~15-15. Reserved.

SECTION 2. Chapter 21 of the Peoria City Code (1992) is amended by amending Section 21-16 and renumbering it as Section 15-16 pertaining to Police Department; establishment; composition; personnel; position classification plan and which shall read as follows:

Sec. ~~21~~15-16. Police Department; establishment; composition; personnel; position classification plan.

(a) There shall be a police department, headed by a police chief, who shall be the department director. The Police Chief shall be appointed by the City Manager, and confirmed by the City Council. The position shall be an unclassified position and shall serve at the pleasure and will of the City Manager and not subject to the City merit system.

~~(b) The Police Department shall consist of two divisions, Services and Operations.~~

(~~cb~~) The Police Department shall employ police officers, certified as law enforcement officers, under the laws and statutes of the State of Arizona and such other persons as may be necessary.

~~(d) The City Manager shall promulgate a position classification plan for the police department. The plan shall establish specific positions assigned to the ranges and steps within the City's pay plan. The promulgation of a position classification plan shall not create any obligation upon the City Council to appropriate funds for any position within the plan.~~

SECTION 3. Chapter 21 of the Peoria City Code (1992) is amended by renumbering Section 21-17 as Section 15-17 pertaining to Departmental rules and regulations and which shall read as follows:

Sec. ~~21~~15-17. Departmental rules and regulations.

The police department shall be operated and managed in accordance with such departmental rules and regulations as may from time to time be recommended by the chief of police and approved by the city manager.

SECTION 4. Chapter 21 of the Peoria City Code (1992) is amended by amending Section 21-18 and renumbering it as Section 15-18 pertaining to Duties of the Police Department and which shall read as follows:

Sec. ~~21~~15-18. Duties of the Police Department.

The police department, under the direction of the police chief shall:

(a) Enforce this code and the statutes of the State of Arizona within jurisdictional limits as conferred by law, and to arrest and charge the violators thereof.

(b) Take charge of all prisoners delivered ~~to him~~ by the order of any court.

(c) Deliver any person, who may be confined upon conviction of a crime omitted under the jurisdiction of the magistrate's court, to any community service program authorized by the city manager.

(d) Render such account of the police department, its duties, and receipts as may be required by the city manager, and keep records of the office open to inspection by the city manager at any time.

(e) Direct traffic and ensure the orderly flow thereof, and investigate and make reports on traffic accidents within the jurisdiction of the city.

SECTION 5. Chapter 21 of the Peoria City Code (1992) is amended by renumbering Section 21-19 as Section 15-19 pertaining to Unarmed police assistants and which shall read as follows:

Sec. ~~21~~15-19. Unarmed police assistants.

The city may employ individuals as unarmed police assistants. A police assistant appointed pursuant to this section shall:

- (a) Be unarmed at all times during the course of their duties.
- (b) Be empowered to commence an action or proceeding before a court or judge for any violation of city ordinances regulating the standing or parking of vehicles.

Police assistants appointed pursuant to this section shall not be granted any other powers or benefits to which police officers are entitled.

SECTION 6. Chapter 21 of the Peoria City Code (1992) is amended by renumbering Section 21-20 as Section 15-20 pertaining to Traffic investigators and which shall read as follows:

Sec. ~~21~~15-20. Traffic investigators.

The city may employ individuals as traffic investigators. A duly employed police assistant may also be assigned the duties of a traffic investigator. Traffic investigators appointed pursuant to this section shall:

- (a) Be unarmed at all times during the course of their duties.
- (b) Be empowered to commence an action or proceeding before a court or judge for any violation of a state statute or city ordinance relating to traffic laws within the jurisdiction of the city.
- (c) File written reports as required by A.R.S. §28-667.

Traffic investigators appointed pursuant to this section shall not be granted any other powers or benefits to which police officers are entitled.

State Law Reference(s), A.R.S. § 28-627.

SECTION 7. Chapter 21 of the Peoria City Code (1992) is amended by renumbering Sections 21-21 through 21-29 as reserved Sections 15-21 through 15-29 and which shall read as follows:

Secs. ~~21~~15-21. through ~~21~~15-29. Reserved.

SECTION 8. Chapter 21 of the Peoria City Code (1992) is amended by renumbering Section 21-30 as reserved Section 15-30 and which shall read as follows:

Sec. ~~21~~15-30. Reserved.

SECTION 9. Chapter 21 of the Peoria City Code (1992) is amended by amending Section 21-31 and renumbering it as Section 15-31 pertaining to Alarm systems; applicability and which shall read as follows:

Sec. ~~21~~15-31. Alarm systems; applicability.

This chapter is intended to regulate the responsibilities of those persons who purchase and rent alarm systems, devices or services ~~and those persons who own or conduct the business of selling, renting, maintaining or monitoring alarm systems, devices or services.~~ It is further intended to encourage the improvement in reliability of these systems, devices, and services. This chapter specifically encompasses burglar alarms and robbery alarms, holdup, duress, oralarms and panic alarms, both audible and inaudible (silent).

SECTION 10. Chapter 21 of the Peoria City Code (1992) is amended by amending Section 21-32 and renumbering it as Section 15-32 pertaining to Renewal and which shall read as follows:

Sec. ~~21~~15-32. Alarm systems; definitions.

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

~~(b) — *Alarm or Alarm System* any instrument(s), device(s) or system(s) which are used for the purpose of protecting buildings, premises or person from criminal acts or unauthorized entries by warning persons of a crime or unauthorized entry through the emission or transmission of a sound or signal.~~

(b) *Alarm Administrator*: A person or persons designated by the City of Peoria to administer, control and review false alarm reduction efforts and administers the provisions of this ordinance.

~~(c) — *Alarm Agent* shall mean any person who is employed directly or indirectly by an alarm business, whose duties include any of the following: maintaining, servicing, repairing any alarm or alarm system. Any person whose duties consist solely of resetting an alarm following activation shall not be deemed an alarm agent.~~

~~(d) *Alarm Business*:— a~~(d) Any person, firm, partnership, corporation or business which owns or conducts the business of any one or more of the following: selling, leasing, renting, maintaining or monitoring alarm systems, devices or

services.

(d) Alarm permit: A permit issued to an alarm user by the City allowing the operation of an alarm system within the City.

(e) Alarm signal: A detectable signal; audible, silent, and/or visual, generated by an alarm system, to which law enforcement is requested to respond.

(f) Alarm system: Any single device or assembly of equipment designed to signal the occurrence of an illegal or unauthorized entry or other illegal activity requiring immediate attention and to which law enforcement is requested to respond, but does not include motor vehicle or boat alarms, fire alarms, domestic violence alarms, or alarms designed to elicit a medical response.

(g) Alarm user: Any person, corporation, partnership, proprietorship, governmental or educational entity or any other entity owning, leasing or operating an alarm system, or on whose premises an alarm system is maintained for the protection of such premises.

(eh) Burglary Audible Alarm:--aA device designed for the detection of an unauthorized entry and which when activated generates an audible sound on the premises.

~~(f) Automatic Dialer -- any electrical, electronic, mechanical or other device capable of being programmed to send a prerecorded voice message when activated, or self-activated, over a telephone line, or other communication system to the police or Fire-Medical Department.~~

(i) Cancellation: The process where response is terminated when the alarm business (designated by the alarm user) notifies the Peoria Police Department that there is not an existing situation at the alarm site requiring police response after an alarm dispatch request. If cancellation occurs prior to police arriving at the scene, this is not a false alarm for the purpose of civil/criminal penalty, and no penalty will be assessed.

(gj) Common Cause:--aA malfunction which causes an alarm system to generate a series of false alarms. The series of false alarms shall be counted as one false alarm if the false alarms have all occurred within a 24 hour period, and the responsible alarm business has documented to the Police Chief or designee the action taken to rectify the cause, and a thirty (30) day period expires with the alarm system generating no additional false alarms from the documented cause.

(k) Enhanced Call Confirmation: An attempt by the alarm system monitoring company to contact the alarm site and/or alarm user by telephone and/or other means, whether or not actual contact with a person is made, to determine whether an alarm signal is valid before requesting law enforcement response. A second call shall be

made to an alternate number provided by the alarm user if the first attempt fails.
EXCEPT in case of a fire, panic or robbery-in-progress alarm or in cases where a crime-
in-progress has been verified as defined in ANSI/CSAA CS-V-01-2016(or current
version).

(h) ~~False Alarm:~~ 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, or activation caused by the police department.

(m) False Alarm Awareness Class: A class conducted for the purpose of educating alarm users about the responsible use, operation, and maintenance of alarm systems and the problems created by false alarms.

(i) ~~Monitored Alarm:~~ A device designed for the detection of unauthorized entry and which when activated generates an inaudible signal to a monitoring station; and A monitoring alarm may also generate an audible sound on the premises.

(o) Permit year: A 12-month period beginning on the day and month on which an alarm permit is issued.

(j) ~~Proprietor alarm:~~ Any monitored alarm or alarm system which is not leased or rented from, or owned or maintained under contract by an alarm business.

(k) ~~Robbery, holdup, duress, or panic alarm:~~ A device designed for the detection of a robbery, holdup or the commission of an unlawful act, and which when intentionally activated by a person, generates a an inaudible signal to the monitoring station and may or may not generate an audible sound on the premises.

(r) ~~Subscriber:~~ Any person, firm, partnership, corporation or business who (which) leases, rents or purchases any audible or monitored alarm system, device or service from an alarm business.

SECTION 11. Chapter 21 of the Peoria City Code (1992) is amended by amending Section 21-33 and renumbering it as Section 15-33 pertaining Administration; alarm licensing, notification and which shall read as follows:

The provisions of sections ~~2415-33~~ through section ~~2415-48~~ as to licensing shall be administered by the City Manager or their ~~his~~ designee.

SECTION 12. Chapter 21 of the Peoria City Code (1992) is amended by amending Section 21-34 and renumbering it as Section 15-34 pertaining to Alarm business duties and which shall read as follows:

Sec. ~~21-15~~-34. Alarm business duties.

The Alarm Business shall:

~~(a) Install and maintain an alarm system in good working order and to take reasonable measures to prevent the occurrence of false alarms. Any person engaged in the alarm business in the City of Peoria shall comply with all of the following:~~

~~(1) Obtain and maintain the required state, county and/or City license(s).~~

~~(2) Alarm business shall supply permit application to alarm user at time of installation or activation.~~

~~(3) Install and maintain an alarm system in good working order and to take reasonable measures to prevent the occurrence of false alarms.~~

~~(b) Provide instruction to its subscribers in the proper use and operation of the system, which shall include instructions in avoiding false alarms. Prior to activation of the alarm system, the alarm business must provide instructions explaining the proper operation of the alarm system to the alarm user.~~

~~(c) Provide each purchaser and subscriber with a copy of Sections 21-31 -21-48. The alarm business shall provide written information to the alarm user of how to obtain service from the alarm business for the alarm system.~~

~~(d) Upon leasing or renting an alarm system~~An alarm business performing monitoring services shall:

~~(1) Conspicuously place on the premises a tag identifying the pertinent alarm business, including the telephone number to call when the alarm has been activated. Use ECC to in an attempt to determine whether an alarm signal is valid before requesting dispatch, except in the case of a robbery, holdup, duress, or panic alarm or in cases where a crime-in-progress has been verified by video and/or audible means.~~

~~(2) Maintain records of these alarm systems, location and the name and telephone number of the person and alternate to be notified whenever the alarm is activated, and to report such information to the police department upon request. Provide address and alarm user permit number, when available, to the communications center to facilitate dispatch and/or cancellations.~~

~~(3) Inactivate the audible alarm within fifteen minutes of the notification of its activation in the event the primary and alternate cannot be contacted or do not respond. Communicate any available information about the zone or sensor activation location of the alarm.~~

(4) Communicate a cancellation to the law enforcement communications center as soon as possible following a determination that response is unnecessary.

~~(e) Upon leasing, renting, selling or monitoring an alarm system~~
Prohibited acts:

~~(1) Establish a central receiving station in order to monitor these alarm systems. It shall be unlawful to install, maintain, or use an audible alarm system which can sound continually for more than 10 minutes.~~

~~(2) Organize its central receiving station in order to be able to readily and positively identify the type of alarm, i.e., Burglary, robbery, holdup or panic, and the location of the alarm, if there is more than one system. It shall be unlawful to install, maintain, or use an automatic dial protection device that reports, or causes to be reported, any recorded message to the Peoria Police Department.~~

~~(3) Maintain records as to each of these alarm systems, which shall include the name and telephone number of the owner and/or occupant, the name and telephone number of the subscriber, a primary person and at least one alternate responsible for responding to the premises when the alarm is activated, and whether the alarm system includes an audible alarm.~~

~~(4) Make notification of activated alarm systems in the manner prescribed by the Police Chief, including information requested by the Police Department regarding the alarm system.~~

~~(5) Arrange for either the owner, subscriber, alarm agent, or other responsible representative to go to the premises of an activated alarm system within thirty (30) minutes of the activation of the alarm, in order to be available to assist the police in determining the reason for activation and securing the premises. The alarm business shall not unreasonably delay in arriving at the location of the alarm.~~

~~(f) Alarm businesses which do not monitor, maintain, service or install alarms or alarm systems shall not be subject to subsections (a), (b) (c), (d), or (e) of this section, but shall refer each subscriber or purchaser to contact the finance department for information regarding this chapter and provide instruction on the use and operation of the alarm, which shall include instructions on avoiding false alarms.~~

~~(g) Alarm businesses which monitor but do not sell, lease, rent, install, service or maintain alarm systems shall not be subject to subsections (a), (b), (c) or (d) of this section.~~

~~(h) Alarm businesses which sell or install alarm systems but do not lease, rent, monitor, service or maintain alarm systems shall not be subject to subsections (a), (d), or (e) of this section.~~

SECTION 13. Chapter 21 of the Peoria City Code (1992) is amended by amending Section 21-35 and renumbering it as Section 15-35 pertaining to Alarm subscriber's and proprietor duties and which shall read as follows:

Sec. ~~21~~15-35. Alarm subscriber's and proprietor duties.

(a) Alarm subscriber duties. The subscriber shall do all of the following:

(1) Maintain the premises and the alarm system in a method that will reduce or eliminate false alarms;

(2) Respond or cause a representative to respond to the alarm system's location within 60 minutes when notified by the Peoria Police Department;

(3) Manually activate an alarm only for an event that the alarm system was intended to report;

(4) Obtain a new permit and pay any associated fees if there is a change in address or ownership of a business or residence;

(a5) Instruct authorized personnel who place the system or device into operation in the appropriate method of operation for locking and securing all points of entry.

~~(b) To maintain the alarm or alarm system in good working order and to take reasonable measures to prevent false alarms.~~

~~(c)~~ (e6) Receive a current copy of the provisions of Sections ~~21~~15-31 - ~~21~~15-48 by from the finance~~Police~~ d~~Department~~ upon registration.

~~(d) Apply for a subscriber registration from the City of Peoria. The subscriber registration may be applied for at the time of purchase of the alarm system and shall be applied for upon activation of the first false alarm responded to by the Police Department.~~

~~(e) In the event that the Police Department has recorded an alarm for a subscriber or proprietor alarm owner which has not applied for an alarm subscriber permit, the Finance Department shall:~~

~~(1) Notify the subscriber or proprietor alarm owner that they must register their alarm system. The notice will direct the subscriber or proprietor to register the alarm subscriber permit within twenty (20) days of the date of~~

the notice.

~~(2) — It shall be unlawful for a subscriber or proprietor alarm owner to continue operation of the alarm system without registering the alarm system.~~

~~(f) — Respond to the scene of an activated alarm within one (1) hour of the alarm activation, after notification by the subscriber's alarm company or the Police Department.~~

(b) **Permit required.** Within 10 days of alarm system activation, an alarm user shall apply for a permit for such alarm system from the City of Peoria. A fee may be required for the initial registration and annual renewals, as proscribed in Chapter 27, Table 16 of the Peoria City Code. The Police Department will assign each alarm permit a unique permit number, and the user shall provide the permit number to the alarm company to facilitate law enforcement dispatch.

(c) **Application.** The permit shall be completed on an application form provided by the City. An alarm business has the duty to provide an application to the alarm user.

(d) **Transfer of possession.** When the possession of the premises at which an alarm system is maintained is transferred, the person (user) obtaining possession of the property shall file an application for an alarm permit within 30 days of obtaining possession of the property. Alarm permits are not transferable.

(e) **Reporting updated information.** Whenever the information provided on the alarm permit application changes, the alarm user shall provide correct information to the City within 30 days of the change. In addition, each year after the issuance of the permit, permit holders will receive from the City a form requesting updated information. The permit holder shall complete and return this form to the City whether or not any of the requested information has changed; failure to comply will constitute a violation and may result in a civil penalty.

(f) **Multiple alarm systems.** If an alarm user has one or more alarm systems protecting two or more separate structures having different addresses and/or tenants, a separate permit shall be required for each structure and/or tenant. The single owner of a single paneled multi-unit complex with the same address can obtain one permit.

(g) **Prohibited acts.**

(1) It shall be unlawful to activate an alarm system for the purpose of summoning law enforcement when no burglary, robbery, or other crime dangerous to life or property is being committed or attempted on the premises, or otherwise to cause a false alarm.

(2) It shall be unlawful to install, maintain, or use an audible alarm system which can sound continually for more than 10 minutes.

(3) It shall be unlawful to install, maintain, or use an automatic dial protection device that reports, or causes to be reported, any recorded message to the Peoria Police Department.

SECTION 14. Chapter 21 of the Peoria City Code (1992) is amended by amending Section 21-36 and renumbering it as Section 15-36 pertaining to Alarm business; permits and exemptions and which shall read as follows:

Sec. ~~21~~15-36. Alarm businesses; permits and exemptions.

(a) The provisions of Sections 15-31 - 15-48 shall not be applicable to audible alarms affixed to automobiles and audible fire alarms.

(b) Each ~~alarm agent and~~ alarm business shall possess a valid ~~obtain a permit from the city~~ license as required by state law in order to operate.

~~(c) Every alarm business shall pay an application fee as set by the City and a permit fee as set by the City per calendar year.~~

~~(d) Every alarm agent who is not the holder of a valid security guard registration certificate, issued pursuant to the provisions of Title 32, Chapter 26, Article 3, Arizona Revised Statutes, shall pay an application fee and an original permit fee as set by the City.~~

~~(e) Alarm business permits shall be reviewed on or before January 1 of each year. An alarm agent permit shall be effective until canceled or surrendered provided the annual fee contained in chapter 19 is paid.~~

~~(f) The application for permits provided for in this section shall be submitted to the sales tax division of the finance department.~~

~~(g) The application for an alarm business permit shall include:~~

~~(1) The name, address and telephone number of the alarm business.~~

~~(2) The name, address and telephone number of each of the owners of the alarm company; or officers, if incorporated or doing business within this~~

~~state, the name, address and telephone number of each officer of the company.~~

~~(3) The names and addresses of the alarm agents employed by the alarm business.~~

~~(h) The application for alarm agent permit shall include;~~

~~(1) The name and address of the individual applying for the permit.~~

~~(2) The alarm business for which the applicant is employed.~~

~~(3) Whether the applicant has been convicted of any felony or any misdemeanor involving moral turpitude.~~

~~(i) All applications shall be approved unless it is determined that the applicant is not qualified for a permit because:~~

~~(1) The applicant has knowingly and willfully given false information on the application; or~~

~~(2) The applicant or any of his (its) officers has violated a provision of this chapter; or~~

~~(3) The applicant or any of his (its) officers has been convicted of a felony or any misdemeanor involving moral turpitude.~~

~~(j) An applicant for an alarm agent permit who is the holder of a valid security guard registration certificate, issued pursuant to the provisions of Title 32, Chapter 26, Article 3, Arizona Revised Statutes, shall not be required to complete an application form or pay the required permit fee. The applicant shall be issued a permit if he or she is otherwise qualified pursuant to this section.~~

~~(k) A copy of the alarm business permit shall at all times be physically present at the alarm business' central station or office and shall be available for inspection by the City.~~

~~(l) Each alarm agent shall at all times while so employed possess a valid alarm agent permit and shall display the same to any police officer upon request.~~

~~(m) If an alarm agent terminates employment with an alarm business, except as provided in subsection (n), the alarm agent shall surrender their permit to the alarm business, and within five (5) days thereafter it shall be mailed or delivered by the alarm business to the finance department for cancellation. Should the alarm agent fail to surrender his permit to the alarm business, the alarm business shall give notice to the finance department that the agent has been terminated and has failed to surrender his permit.~~

~~(n) — If an alarm agent terminates his employment with an alarm business for the purpose of transferring employment to another alarm business, he shall surrender his permit as provided in subsection (m) and shall advise the finance department, which shall issue a temporary permit without a fee until such time as a new alarm agent permit is issued. The new alarm agent permit shall be issued without payment of an additional fee.~~

~~State Law Reference(s), A.R.S. §32-2621, et seq.~~

SECTION 15. Chapter 21 of the Peoria City Code (1992) is amended by repealing Sections 21-37 in its entirety and renumbering it as reserved Section 15-37 and which shall read as follows:

~~Sec. 2115-37. Alarm agents; suspension or revocation of permits; appeal.~~
Reserved

~~(a) — The Finance Director may suspend or revoke an alarm business or alarm agent permit on any of the following grounds:~~

~~(1) — Failure to comply with the requirements of this chapter.~~

~~(2) — Conviction of the permittee or any of its officers of a felony or misdemeanor involving moral turpitude.~~

~~(3) — The permittee or any of its officers, employees or agents has knowingly made any false, misleading or fraudulent statement of a material fact in any document required under this chapter.~~

~~(b) — The suspension may be appealed to an administrative hearing officer. The City Manager shall promulgate administrative regulations governing the process for such appeals.~~

SECTION 16. Chapter 21 of the Peoria City Code (1992) is amended by repealing Sections 21-38 in its entirety and renumbering it as reserved Section 15-38 and which shall read as follows:

~~Sec. 2115-38. Alarm subscribers; permit required, penalties, assessments.~~
Reserved.

~~(a) — If the police department has recorded an alarm for a subscriber, and the alarm business for that subscriber has not applied for and received a permit therefor in accordance with the provisions of this chapter, then;~~

~~(1) — The finance department shall issue a notice to the alarm business stating they are in violation of the provisions of this chapter. The notice shall direct the alarm business to apply for an alarm business permit within ten (10) business days after the date of the notice. The notice shall indicate that failure to apply for a permit will result in the imposition of a civil assessment.~~

~~(2) — If the alarm business applies for and receives an alarm business permit as required in subsection (1), no assessment shall be made.~~

~~(3) — Any alarm business which fails to apply for an alarm business permit shall be assessed a penalty in the amount of five hundred dollars (\$500.00) per alarm activation, together with the costs incurred by the police department in responding to the alarm. The alarm business shall tender the penalty and costs assessed within thirty (30) calendar days after receipt of written order from the finance department. In the event that the assessment and costs are not tendered, the continued operation of the alarm business is unlawful. All assessments, costs and penalties shall be subject to an annual eighteen percent (18%) service charge.~~

~~(4) — If a person applies for an alarm business as required by this section and the alarm business permit application is denied, it shall be unlawful for the person to engage in, conduct, or carry on an alarm business.~~

~~(b) — It shall be unlawful for any person to engage in, represent themselves to be, or operate as an alarm agent or business without first applying for and being issued a permit in accordance with the provisions of this chapter.~~

~~(1) — Any violation of the provisions of sections 21-33 through 21-48 is a class one misdemeanor.~~

SECTION 17. Chapter 21 of the Peoria City Code (1992) is amended by amending Section 21-39 and renumbering it as Section 15-39 pertaining to False alarms; warning notice and which shall read as follows:

Sec. ~~21~~15-39. ~~False alarms; warning notice~~Excessive false alarms/Failure to register; civil penalties

~~When any alarm system generates three (3) false alarms within a consecutive three hundred and sixty five (365) calendar day period commencing from the date of the first false alarm, the police department shall notify the subscriber and alarm business, or the proprietor alarm owner, that one (1) subsequent false alarm within the same period will subject the parties to penalties as provided in this chapter.~~

~~(a) — It is hereby found and determined that two or more false alarms within a permit year is excessive, constitutes a public nuisance, and shall be unlawful.~~

~~(1) — The Alarm Administrator or representative will notify alarm users via regular mail or electronic mail to the mailing/electronic mail address on file of excessive false alarms and/or failure to register.~~

~~(2) — Alarm users are required to keep mailing addresses and contact information current. Officers may be used to hand deliver notices if letters are returned or unanswered.~~

(b) The City may assess civil penalties for false alarms within a permit year against an alarm user as proscribed in Chapter 27 Table 17 of the Peoria City Code.

(c) Any false alarms generated by systems for which no permit has been issued are subject to an additional fee as proscribed in Chapter 27 Table 17 of the Peoria City Code, in addition to the fines outlined in Subsection b.

(d) After three false alarms in a permit year, it shall be unlawful for an alarm user and alarm business to operate the alarm until the alarm user files a certificate with the Police showing that the alarm user has completed the False Alarm Awareness Class or files a certificate, work order, or notice from the alarm business certifying alarm user training on the alarm system and, if necessary, repairs or replacement of the alarm system.

(e) Violations, including failure to register, will be enforced through the assessment of civil penalties as proscribed in Chapter 27 Table 17 of the Peoria City Code

(f) Civil penalties shall be paid within (30) days from the date of the invoice. Payments must be sent to City of Peoria. After 120 days all unpaid penalties and assessments may be sent to collections.

(g) A violation of any of the provisions of this Chapter shall be a civil violation and shall not constitute a criminal misdemeanor.

(h) The failure of an alarm user to make payment of any civil penalties assessed under this Chapter within 30 days from the date of the invoice shall result in discontinuance of law enforcement response to alarm signals that may occur at the premises described in the alarm user's permit until payment is received.

(i) The Alarm Administrator shall notify the alarm user in writing after the first false alarm. The notice shall include:

(A) The amount of payment required for the civil penalty.

(B) The fact that the Police Department response will be suspended after three (3) false alarms in a twelve (12)-month alarm permit period, excluding robbery, holdup, duress, or panic alarms.

(C) A description of the appeals procedure available to the alarm user.

(i) After an alarm site has accumulated three (3) false alarm responses in a twelve (12) month alarm permit period, the Alarm Administrator shall notify the alarm user, in writing thirty (30) days before an alarm response is to be discontinued. Suspension of alarm response does not apply to robbery, holdup, duress, or panic alarms. The notice of suspension will include the amount of the civil penalty amount for each false alarm and a description of the appeals procedure available to the alarm user and the alarm business.

(k) A person whose alarm permit has been suspended may obtain reinstatement of the permit by the Alarm Administrator if the person submits to the Alarm Administrator all of the following:

(1) A reinstatement fee, as proscribed in Chapter 27 Table 17 of the Peoria City Code

(2) Sufficient articulation in writing addressing proactive measure to be implemented, preventing false alarms in the future.

(3) Certification from an alarm business stating that the alarm has been inspected and/or repaired only in cases where repetitive, obvious malfunctioning of the system occurred.

(l) The Police Department shall reinstate its response to an alarm site as soon as practical, after receiving notice of reinstatement from the Alarm Administrator.

(m) If an alarm permit is reinstated after suspension, the Police Department may again discontinue service if it is determined that two (2) false alarms have occurred within 90 days after the reinstatement date.

(n) The City may create and implement a False Alarm Awareness Class and may request the assistance of the area alarm businesses to assist in developing and implementing the class. The class shall inform alarm users of the problems created by false alarms and instruct alarm users how to help reduce false alarms. The City may grant the option of attending a class in lieu of paying one assessed penalty of alarm user, not to exceed \$75.00.

SECTION 18. Chapter 21 of the Peoria City Code (1992) is amended by amending Sections 21-40 and renumbering it as Section 15-40 pertaining to Police review of false alarms and which shall read as follows:

Sec. ~~24~~15-40. Police review of false alarms.

(a) ~~Any alarm system that has four to eight and nine or more generates false alarms within a consecutive three hundred and sixty five (365) day calendar period commencing from the date of the first false alarm, shall be subject to assessment as provided in this section. Upon the Police Department recording the fourth~~second and each subsequent false alarm:

1. ~~T,~~T, the Police Department shall notify the subscriber and alarm business or the proprietor alarm owner by mail of such fact and direct that a report be submitted to the Police Chief within twenty (20) days of the date of mailing. The report shall contain:

~~2.~~(1) A description of the action taken to discover and eliminate the

cause of the false alarm.

~~3-~~(2) Specific reasons, if any, why the alarm(s) should not be considered false alarm(s). Evidence that a false alarm was caused by an act of god, common cause or action of the telephone company shall constitute affirmative defenses to an assessment for the particular false alarm.

~~(2)~~(b) The report required in ~~paragraph (1)~~Subsection (a) shall be received by the Police Chief or ~~his~~-designee within the time specified. If the report is not timely submitted, the party shall have waived ~~their~~his right to any further review or hearing and the alarm business, subscriber, or the proprietor alarm owner operating the alarm system generating the false alarms will be assessed, pursuant to ~~paragraph (5) of this subsection~~Subsection (e).

~~(3)~~(c) If the report required in ~~paragraph (1)~~Subsection (a) is submitted, the Police Chief or ~~his~~-designee shall review the corrective action taken to discover and eliminate the cause of the false alarms and the specific reason(s) for the false alarm(s), if any. If it is determined that a valid reason for the false alarm exists, a notice will be sent to all parties that no assessment will be made at that time. The notice shall specifically set forth the findings and conclusions of the Police Chief with respect to the review of the report submitted.

~~(4)~~(d) If the Police Chief or ~~his~~ designee determines that no reason for the false alarms has been provided, a notice shall be sent by mail to the subscriber ~~and alarm business~~ or the proprietor alarm owner that they will be assessed pursuant to ~~paragraph (5) of this subsection~~ Subsection (e). The notice shall contain findings and conclusions of the Police Chief with respect to the review of the report submitted.

~~(5)~~(e) ~~Assessments imposed pursuant to paragraphs (2) and (4) of this subsection shall be as set forth in the fee provisions of this code.~~ The subscriber and the alarm business shall, be jointly and severally responsible for the payment of assessments imposed upon their alarm system. The owner of a proprietor alarm shall be responsible for the payment of assessments imposed upon a proprietor alarm system.

(f) False Alarms in Government facilities. When a government facility generates a false alarm, the Alarm Administrator will investigate possible causes and coordinate with the responsible official any courses of actions deemed necessary to address the situation.

SECTION 19. Chapter 21 of the Peoria City Code (1992) is amended by renumbering Section 21-41 as Section 15-41 pertaining to False alarms assessments; appeal procedures and which shall read as follows:

Sec. ~~21~~15-41. False alarm assessments; appeal procedures.

(a) Any party aggrieved by a decision of the Police Chief made pursuant to ~~Section 21-40(b)(3) or (4)~~ Section 15-40 of this Code may, within ten (10) days of the receipt of notice of the decision, appeal to the City Manager or their designee by filing an appeal with the Police Chief.

(b) The appeal shall be in writing and set forth specific objections to the decision of the Police Chief.

(c) The City Manager shall set a time and place for the appeal hearing as soon as practicable.

(d) The appeal hearing shall be conducted in an informal proceeding:

(1) The technical rules of evidence shall not apply to such hearings.

(2) All parties shall have the right to present evidence in support of or in opposition to the decision of the Police Chief.

(e) The decision of the City Manager shall:

(1) Affirm the decision of the Police Chief, in which case any assessment imposed shall be sustained; or

(2) Reverse the decision of the Police Chief, in whole or in part, in which case a lesser assessment or no assessment shall be imposed.

(f) In the event the decision of the Police Chief is affirmed in an appeal involving a subscriber and alarm business permittee, the City Manager may designate the subscriber or the alarm business permittee as solely responsible for the payment of the assessment.

SECTION 20. Chapter 21 of the Peoria City Code (1992) is amended by renumbering Section 21-42 as Section 15-42 pertaining to Alarm System Operation Prohibitions and which shall read as follows:

Sec. ~~21~~15-42. Alarm System Operation Prohibitions.

Upon a final determination of assessment for the fourth through eighth and the ninth and subsequent false alarm within a consecutive three hundred sixty five (365) day calendar period, the responsible party shall tender the fee assessed within thirty (30) days of the date ordered or discontinue operation of the alarm system. Failure to discontinue the operation of the alarm system and tender the assessment is unlawful, and the unpaid balance will be subject to a service charge of eighteen percent (18%) annually in addition to the assessment.

SECTION 21. Chapter 21 of the Peoria City Code (1992) is amended by amending Section 21-43 and renumbering it as Section 15-43 pertaining to Grace Period and which shall read as follows:

Sec. ~~21~~15-43. Grace Period.

(a) All new installed and reinstalled alarm systems shall not be subject to the provisions of this article relating to the counting and assessment of false alarms for a period of sixty (60) days from the date the alarm system becomes operational. For the purposes of this section, reinstalled alarm system means the installation of a new control panel.

(b) The grace period provided in subsection (a) of this section shall apply only if the alarm business, subscriber, or proprietor alarm owner notify the Police Chief or ~~his~~his designee in writing within thirty (30) days of the completion of installation or reinstallation. The written notice shall specify the date the system was installed or reinstalled. For reinstalled alarms systems, the notice shall also describe the nature and extent of the reinstallation.

SECTION 22. Chapter 21 of the Peoria City Code (1992) is amended by amending Section 21-44 and renumbering it as Section 15-44 pertaining to Alarm systems; regulations and which shall read as follows:

Sec. ~~21~~15-44. Alarm systems; regulations.

(a) Each alarm system shall be inspected and serviced at least once in each twelve month period. The subscriber or proprietor shall maintain records for each system showing dates of inspection and the name of the person making such inspection. Records shall be kept for a minimum of twelve (12) months and be open to the Police Chief or ~~his~~ designee on their~~his~~ request upon seventy two (72) hours notice served by U.S. Mail or any other means reasonably calculated to provide notice.

(b) It shall be unlawful for any person to intentionally activate any alarm system, except to warn of a criminal act or unauthorized entry on or into an alarm protected premises, or to test an alarm system when the police department has been given advance notice of such testing.

SECTION 23. Chapter 21 of the Peoria City Code (1992) is amended by renumbering Section 21-45 as Section 15-45 pertaining to Prohibition of automatic or prerecorded messages to the City; exception and which shall read as follows:

Sec. ~~21~~15-45. Prohibition of automatic or prerecorded messages to the City; exception.

No person shall use or cause to be used any telephone device or attachment that automatically selects or dials a published emergency telephone number or any City of Peoria telephone number and then reproduces any prerecorded message or signal. This section shall not apply to a life safety alert system utilizing residential transmitting equipment designated for direct

telephone access to dedicated control receiving equipment located in the City's Fire-Medical Department.

SECTION 24. Chapter 21 of the Peoria City Code (1992) is amended by renumbering Section 21-46 as Section 15-46 pertaining to Application; Requirements; Installation, Restrictions and which shall read as follows:

Sec. 2415-46. Application; Requirements; Installation, Restrictions.

(a) Any person in the business of selling or leasing alarm systems who desires to have a private secondary telephone line terminate at one location in any City building shall submit an application in writing to the City Manager. Such application shall contain specific provisions relating to false alarms and testing procedures. The City Manager shall approve such application if he finds that:

(1) The termination of such telephone line will have no negative impacts on regular City activities; and

(2) The person seeking the termination agrees that no messages will be telephoned on said line except by an agent of his with access to customer files; and

(3) The person seeking the termination maintains adequate equipment and work force to repair, maintain or service alarms sold or leased by him.

(b) No person shall place in any City building any monitoring panels and annunciation or receiving equipment, other than a private line telephone as provided in this section, except equipment for municipal alarm purposes.

(c) All costs and recurring charges incurred in the installation and maintenance of a such a private secondary telephone line shall be born by the person requesting the termination.

(d) In addition to any other remedy provided by law, the Police Chief may order the removal of any device or attachment operated or maintained in violation of this section.

SECTION 25. Chapter 21 of the Peoria City Code (1992) is amended by renumbering Section 21-47 as Section 15-47 pertaining to Confidentiality and which shall read as follows:

Sec. 2415-47. Confidentiality.

The information furnished pursuant to City ordinances and regulations governing the regulation of the activities and responsibilities of persons selling, renting, maintaining or monitoring alarm systems shall be confidential and shall not be subject to public inspection. All information contained in and gathered through the alarm registration applications, all response records, applications for

appeals and any other alarm records are not considered public record unless otherwise prohibited or restricted by state law. The storage, processing and transmission of payment cardholder data is PCI Compliant. All permits are destroyed in accordance with Arizona State Record Retention Schedules.

SECTION 26. Chapter 21 of the Peoria City Code (1992) is amended by amending Section 21-48 and renumbering it as Section 15-48 pertaining to Alarm Call Cancellations and which shall read as follows:

Sec. ~~21-15~~-48. Alarm Call Cancellations.

If an alarm business calls an alarm activation into the ~~p~~Police ~~d~~DePARTMENT for response by officers and the alarm is canceled prior to the officer's arrival, the alarm shall not be treated as a false alarm in accordance with the provisions of this chapter.

SECTION 27. Chapter 21 of the Peoria City Code (1992) is amended by adding a new Section to be numbered as Section 15-49 pertaining to Government Immunity and which shall read as follows:

Sec 15-49. Government Immunity.

Alarm registration is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response. 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. By applying for an alarm registration, the alarm user acknowledges that the Peoria Police Department response may be influenced by factors such as: the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history.

SECTION 28. Chapter 21 of the Peoria City Code (1992) is amended by repealing reserved Sections 21-50 through 21-29 in their entirety and which shall read as follows:


~~Sec. 21-50. through 21-52. Reserved.~~

SECTION 29. The current sections of Chapter 15 of the Peoria City Code (1992) will be renumbered and/or amended by way of a separate ordinance to be submitted to the Mayor and City Council for approval.

SECTION 30. If any section, subsection, sentence, clause or phrase of this Ordinance 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 of this Ordinance.

SECTION 31. This Ordinance shall become effective in the manner provided by law.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria,
Arizona, this 13th day of June, 2017.




Cathy Carlát, Mayor

6/20/17

Date Signed

ATTEST:



Rhonda Geriminsky, City Clerk



APPROVED AS TO FORM:



Stephen Burg,

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