

Tempe City Code Chapter 22 Article IV

Alarm Regulations

For the purpose of this article, the following terms shall have the meanings respectively ascribed to them in this section unless the context clearly requires otherwise:

(1) **Alarm** means any mechanical or electrical device, system or service which is used to detect unauthorized entry into buildings or onto premises, or warn or alert others of an emergency or fire or of the commission of an unlawful act within the buildings or on the premises, to which the city is expected to respond;

(2) **Alarm business** means any person who sells, leases, maintains, services, repairs, alters, replaces, moves or installs any alarm, or causes any of the above to be done with regard to any alarm, in or on any building, structure or facility;

(3) **Alarm user** means any person who leases, rents, purchases or uses any alarm whether or not the alarm is monitored by an alarm business or person other than the user;

(4) **Automatic dialing device** means a device which is interconnected to a telephone line and is programmed to select a predetermined telephone number and transmit by voice methods or code signal an emergency message indicating a need for emergency response;

(5) **City** means the police and fire departments of the City of Tempe;

(6) **False alarm** means the giving, signaling or transmission to the city, by telephone, word or otherwise, that an emergency, unauthorized entry, unlawful act, fire or other emergency exists when such fire, entry, act or emergency does not in fact exist. False alarm does not include an alarm signal caused by extraordinary circumstances not reasonably subject to control by the alarm user or an alarm business;

(7) **Owner** means the owner of record of the premises where an alarm or alarm system is located or where a false alarm occurred as shown by the records in the office of the county assessor; and

(8) **Person** means any person, firm, association, organization, partnership, business trust, corporation or company, or governmental entity except the city or any of its offices or agencies.

(Ord. No. 91.27, 9-12-91)

Sec. 22-76. Permits for alarms required, confidentiality.

(a) Every alarm user shall obtain a permit from the city for an alarm within thirty (30) days after the alarm is used or becomes operational. Application for permit shall be on

forms prescribed by the city requiring identification of the alarm user and the owner of the premises where the alarm is located, and such other information about the alarm as may be required. The application shall be accompanied by an initial permit fee in such sum as set by the city council. The permit shall expire one year after date of issue and each year thereafter. An alarm user shall renew the alarm permit annually, subject to a renewal fee as set by the city council. An alarm permit which is not renewed by the expiration date shall be subject to a delinquent renewal fee established by the city council. The permit issued by the city shall be physically on the premises using the alarm and shall be available for inspection by the city. Permits are not transferable from one user to another user or from one address to another address.

(b) If the residential alarm user is over the age of sixty-five (65) and is the primary resident of the residence, a user's permit may be obtained from the alarm coordinator without the payment of either an initial permit fee or any subsequent renewal fees. This exemption shall not apply to fees due to failure to timely obtain or renew an alarm permit, or any service fee due to excessive false alarms.

(c) The alarm user or permittee must notify the alarm coordinator of the Tempe police department of the name, address and telephone number of the primary person and at least one alternate to be notified in case the alarm is activated, unless the alarm system is not audible and is monitored at a remote location. The alarm user or permittee is required to notify the city alarm coordinator of any change in the information contained in the application or permit, and if the alarm is no longer being used, within ten (10) days after the effective date of such change or cessation in use. Failure to make such notification shall constitute a violation of this article, punishable as provided herein.

(d) It is unlawful and a violation of this code for any alarm user or the owner of any premises where an alarm is located to operate or use an alarm, or allow operation or use of an alarm, without a permit as required herein. An alarm user who does not obtain a permit within thirty (30) days after the alarm is used or becomes operational shall be subject to a delinquent permit fee in addition to any other penalties under this code.

(e) Application and permit information acquired in compliance with this article shall be considered confidential as a privacy right of the applicant and permittee. Any violation of confidentiality, except as required by law, shall be deemed a violation of this article. (Ord. No. 91.27, 9-12-91; Ord. No. 99.18, 7-22-99)

Cross reference—See Appendix A of this code for applicable service fees and charges.

Sec. 22-77. False alarms committed knowingly prohibited.

It is unlawful for any person to knowingly report, turn in or make, or knowingly cause any of such acts resulting in, a false alarm.

(Ord. No. 91.27, 9-12-91; Ord. No. 93.24, 8-26-93)

Editor's Note—Ord. No. 93.24 renumbered subsections (a) and (b) of this section as Sec. 22-77.1(a), (b) and (c).

Sec.22-77.1 Review of false alarms, service fee for excessive false alarms.

(a) When any false alarm occurs by an alarm in one permit year, upon request by the city, the alarm user or owner shall submit to the city a letter specifying what corrective action has been taken to prevent future false alarms.

(b) Residential. A third and any subsequent false alarm occurring by any permitted alarm user in one permit year is an excessive false alarm and shall subject the owner or user, individually or jointly, to an excessive false alarm service fee for the city's response to such excessive false alarm. A schedule of such service fees for responding to an excessive false alarm shall be adopted by council resolution.

(c) Businesses. A second and any subsequent false alarm occurring by any permitted alarm user in one permit year is an excessive false alarm and shall subject the owner or user, individually or jointly, to an excessive false alarm service fee for the city's response to such excessive false alarm. A schedule of such service fees for responding to an excessive false alarm shall be adopted by council resolution.

(d) Non-permitted alarm users who incur a false alarm shall be assigned an alarm permit by the alarm coordinator and charged the permit fee described in § 22-76(a). The non-permitted alarm user shall immediately provide the alarm coordinator with any and all necessary responsible party information as part of the assigned permit. Alarm users who fail to provide necessary responsible party information and incur a second and any subsequent false alarm will be assessed an excessive false alarm service fee for the city's response to each subsequent excessive false alarm. A schedule of such service fees for responding to an excessive false alarm shall be adopted by council resolution. Non-permitted alarm users who provide necessary responsible party information and incur a second and any subsequent false alarm will be assessed the same excessive false alarm service fee as permitted alarm users in subsection (b) of this section.

(e) The decision on whether a false alarm or excessive false alarm has occurred shall be made by the alarm coordinator of the city.

(Ord. No. 93.24, 8-26-93, Ord. No. 99.18, 7-22-99; Ord. No. 2000.10, 3-16-00; Ord No. 2008.62, 11-6-08)

Cross reference—See Appendix A of this code on applicable fees and charges.

Sec. 22-77.2. Appeals of excessive alarm determinations and fees.

(a) Any party aggrieved by a decision of the alarm coordinator made pursuant to §§ 22-77.1 or 22-78(b) on excessive alarms and service fees may, within ten (10) days after receipt of notice of the decision, appeal to a hearing officer appointed by the city by filing a written appeal with the alarm coordinator.

(b) The request for an appeal shall set forth the specific objections to the decision of the alarm coordinator which forms the basis of the appeal.

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

(d) The hearing process shall be conducted in an informal manner. The hearing officer shall not be bound by the technical rules of evidence in the conduct of such hearings. All parties to the hearing shall have the right to present evidence in support of or in opposition to the decision of the alarm coordinator.

(e) The decision of the hearing officer shall be based upon the evidence presented and it shall:

(1) Affirm the decision of the alarm coordinator in which case an excessive alarm service fee imposed pursuant to this article shall be sustained; or

(2) Reverse or modify the decision of the alarm coordinator, in whole or in part, in which case no fee or a modified fee shall be imposed.

(f) When the decision of the alarm coordinator is affirmed in appeal, or a modified fee is imposed, the hearing officer may designate whether the owner or user is solely responsible for the payment of the fee.

(Ord. No. 93.24, 8-26-93)

Sec. 22-77.3. *Service fees levied pursuant to this article, unlawful to operate system when delinquent.*

Service fees levied pursuant to this article for excessive false alarms or excessive audible alarms are due and payable on the due date indicated on the service fee billing and are delinquent if not paid by the due date. Service fees not paid by the due date will be subject to interest and costs of collection and may result in revocation of the applicable alarm permit as provided in § 22-81 of this code. When a service fee becomes delinquent, operation of the alarm system shall be immediately discontinued. It is unlawful to operate an alarm system on any premises when a service fee for such system has become delinquent.

(Ord. No. 93.24, 8-26-93)

Sec. 22-78. *Audible alarms, sound emission cutoff feature, deactivation within 20 minutes, service fee.*

(a) From and after January 1, 1992, an alarm which emits an audible sound which can be heard outside an alarm user's building, structure or facility shall be equipped with an automatic sound emission cutoff feature which will stop the emission of sound within twenty (20) minutes after the alarm is activated. It is unlawful for an alarm business to sell, lease, install, replace or move an audible alarm which does not comply with this subsection.

(b) An audible alarm which is audible in excess of twenty (20) minutes shall subject the alarm owner or user, individually or jointly, to an excessive audible alarm service fee for the city's response to such an audible alarm. The excessive audible alarm service fee shall be established by resolution of the city council.

(c) This section shall not apply to an audible fire alarm which meets the requirements of or is otherwise approved by the city pursuant to the city's fire or building codes. (Ord. No. 91.27, 9-12-91; Ord. No. 93.24, 8-26-93)

Cross reference--See Appendix A of this code for applicable service fees and charges.

Sec. 22-79. Automatic dialing device prohibited.

Unless authorized by the city, no person shall use or cause to be used any automatic dialing device or telephone attachment that directly or indirectly causes a public primary telephone trunk of the city to be utilized. Such an automatic dialing device programmed to select a public primary telephone trunk line of the city is unlawful and shall be disconnected.

(Ord. No. 91.27, 9-12-91)

Sec. 22-80. Businesses to provide user instructions, notice of permit requirement.

Any alarm business shall:

(1) Furnish the alarm user with instructions that provide information to enable the user to operate the alarm properly and to obtain service for the alarm at any time;

(2) Inform each alarm user of the requirements of this article and the need to obtain an alarm permit.

(Ord. No. 91.27, 9-12-91)

Sec. 22-81. Fine and penalties; revocation of permit.

(a) Any person violating §§ 22-76, 22-77, 22-78(a), 22-79 and 22-80 of this article is subject to punishment as provided in § 1-7 of the Tempe City Code.

(b) The permit issued pursuant to this article for an alarm system may be revoked for any violation of this article. An alarm permit which is revoked for delinquent service fees shall become effective without hearing or other proceedings ten (10) days following the date of the notice issued by the alarm coordinator notifying the permittee of such revocation. An alarm user whose alarm permit has been revoked may have it reinstated by paying all overdue assessments, submitting a corrective report detailing the corrective action taken with proof of inspection for malfunctions attached and paying a reinstatement fee established by resolution of the city council. For any revocation other than for delinquent service fees, the alarm permit revocation proceedings shall be conducted by a hearing officer appointed by the city.

(c) Repealed in Ord. No. 93.24.
(Ord. No. 91.27, 9-12-91; Ord. No. 93.24, 8-26-93; Ord. No. 99.18, 7-22-99)

Sec. 22-82. Administration and enforcement.

This article shall be enforced by the city's alarm coordinator who shall be the police chief or his designee.
(Ord. No. 91.27, 9-12-91)

Secs. 22-83 -- 22-90. Reserved.

Editor's note—This article became effective January 1, 1992.

APPENDIX FEES/FINE SCHEDULE

Permits for Alarms

22-76.

Fee for alarm permit (initial)

- Residential - - - - - \$ 10.00
- Businesses - - - - - \$ 15.00

Annual renewal fee

- Residential - - - - - \$ -0-
- Businesses - - - - - \$ 15.00

Delinquent renewal fee - \$ 50.00

Delinquent permit fee - - \$ 50.00

22-77.1.

Residential: Service fee for 3rd excessive false alarm within one permit year or 2nd excessive false alarm from non-permitted alarm users who provide necessary responsible party information - - - - - \$ 50.00
To increase in \$50.00 increments per subsequent false alarm in one permit year

Businesses: Service fee for 2nd excessive false alarm within one permit year or 1st excessive false alarm from non-permitted alarm users who provide necessary responsible party information - - - - - \$ 50.00
To increase in \$50.00 increments per subsequent false alarm in one permit year

Service fee for 2nd excessive false alarm from non-permitted alarm users who do not provide necessary responsible party information - - - - - \$ 100.00
To increase in \$ 100.00 increments per subsequent false alarm

22-78.

Service fee for each excessive audible alarm which is activated for more than twenty minutes - - \$ 75.00

(Res. No. 99.43, 7-22-99; Res. No. 2000.20, 3-16-00; Ord. No. 2006.91, 11-16-06; Res. No. 2008.97, 11-6-08)