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OCT 20 2014

ORDINANCE NO. 4557

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AMENDING CHAPTER 24 OF THE CODE OF THE CITY OF CHANDLER FOR THE PURPOSE OF REPEALING SECTION 24-6 CONCERNING ALARM BUSINESS AND ALARM AGENT LICENSING REQUIREMENTS AND MAKING CONFORMING AMENDMENTS TO VARIOUS SECTIONS AND SUBSECTIONS OF CHAPTER 24 OF THE CODE OF THE CITY OF CHANDLER.

BE IT ORDAINED by the City Council of the City of Chandler, Arizona, as follows:

Section 1. Section 24-6 of Chapter 24 of the Chandler City Code, pertaining to the Alarm Business and Alarm Agent Licensing requirements, is hereby repealed in its entirety.

Section 2. Conforming amendments are hereby made to Chapter 24 of the Chandler City Code as follows:

A. Code Section 24-1. Section 24-1 of Chapter 24 of the Chandler City Code is hereby amended to add and remove the following additional definitions:

Chapter 24 ALARM SYSTEM REGULATION ⁽¹⁾

24-1. Definitions.

24-2. Chandler Police Department responsibilities.

24-3. ~~False Alarm Awareness Class prevention program.~~

24-4. Duties and responsibilities of alarm users.

24-5. ~~Enforcement of Provisions False alarms and permit revocation.~~

24-6. ~~Alarm business and alarm agent permitting requirements — Reciprocity of permit.~~

24-76. ~~Prohibited acts; General regulations; unlawful acts; penalty.~~

24-87. Notice, hearing and procedures.

24-98. Fees.

24-1. Definitions.

Except where otherwise indicated by the context, the following definitions shall apply in the interpretations and enforcement of this chapter:

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Alarm Administrator. An employee designated by the Police Chief to administer, issue, control and review alarm applications, permits and alarm reports and false alarm reports.

Alarm Dispatch Request. A notification to a law enforcement agency that an alarm, either manual or automatic, has been activated at a particular location.

Alarm permit. A permit issued by the City that authorizes the holder to operate an alarm system within the City.

Alarm agent. Any person whether an employee, independent contractor, or otherwise, who acts on behalf of an alarm business and sells, leases, rents, maintains, repairs, installs or monitors alarm systems, other than alarm systems located on the person's own property or the property of the person's employer, and includes an employee of an alarm business or any other person who has access to secured information such as alarm codes or passwords of customers, but does not include a person who has access only to the alarm codes or passwords for alarm systems located on the person's own property or the person's employer's property or any person whose duties consist solely of resetting an alarm following activation.

Alarm business. Any person that, either by itself or through a third party engages in the business of providing alarm monitoring services, or the business of selling, leasing, maintaining, monitoring, servicing, repairing, altering, moving or installing an alarm or alarm system device or services in or on any building, structure or facility.

Alarm or alarm system. Any mechanical or electrical instrument(s) or other devices which as one (1) of its purposes is used to protect buildings, premises or persons 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 of any type.

Alarm signal. A detectable audible or visual signal generated by an alarm system to which law enforcement is requested to respond.

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

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, who leases, rents, purchases or uses any monitored or proprietor alarm system, device of service from an alarm business or who leases or rents an audible alarm system or device.~~

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

~~*Automatic dialing device.* Any automatic dialing device or an automatic telephone dialing alarm system and shall include any system which, upon being activated, automatically initiates to the Chandler Police Department a recorded message or code signal indicating a need for law enforcement response. electrical, electronic, mechanical or other device capable of being programmed to send a prerecorded voice message, when activated or if self-activated, over a telephone line, radio or other communication system for the purpose of notifying or causing to be notified, public safety personnel.~~

~~*Cancellation.* The process whereby the alarm company (designated by the alarm user) requests the termination of police response by notifying the Chandler Police Department that there is not an existing situation at the alarm site requiring police response after an alarm dispatch request.~~

~~*City.* The City of Chandler or its agent.~~

~~*Effective date of notice.* The third day after correspondence is mailed postage prepaid by the Chandler Police Department, to an alarm user at the address listed on the alarm permit application.~~

~~*Excessive false alarm.* For permitted systems, three or more false alarms within any consecutive twelve month period of time are considered excessive false alarms. For non-permitted systems, two or more false alarms within any consecutive twelve month period of time are considered excessive false alarms.~~

~~*False alarm.* Activation of an alarm system signal through mechanical or electronic failure, malfunction, improper installation, or the negligence of the alarm user or his/her employees or agents, and signals activated to summon law enforcement personnel, and when, upon inspection by the Chandler Police Department, evidence indicated that no illegal or unauthorized entry or other illegal activity requiring immediate police response had occurred. Notwithstanding the foregoing, a false alarm shall not include those cancelled prior to police arrival at the alarm location, or those reasonably caused or activated by unusually violent conditions of nature or other extraordinary circumstances reasonably beyond the control of the alarm user, eliciting a response by police when a situation requiring a response by police does~~

not in fact exist, but does not include an alarm signal caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm business operator or alarm user.

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.

Monitoring. Means the process by which a Monitoring Company receives signals from an alarm system and relays an Alarm Dispatch Request to the municipality for the purpose of summoning law enforcement to a location.

Monitoring Company. Means a person in the business of providing Monitoring services.

Past due fees. means ~~a~~All fees and charges that would have been required to be paid by the applicant if a permit had been properly applied for and issued for the period of time that the applicant was unpermitted.

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

Runaway alarm. An alarm system that produces three (3) or more alarm signals within one (1) hour that do not appear to be caused by separate human action.

SIA Control Panel Standard CP-01. The American National Standard Institute (ANSI) approved Security Industry Association (SIA) CP-01 Control Panel Standards, as may be updated from time to time, that details recommended design features for security system control panels and their associated arming and disarming devices to reduce false alarms. Control panels built and tested to this standard by a nationally recognized testing organization will be marked to state: "Design evaluated in accordance with SIA CP-01 Control Panel Standard Features for False Alarm Reduction".

Verify. Actual or attempted contact by the monitoring company, or its representative, with the alarm site and/or alarm user by telephone and/or other electronic means, whether or not actual contact with a person is made, for the purpose of determining whether an alarm signal is valid before requesting law enforcement dispatch. For the purpose of this ordinance, telephone verification shall require at least one additional call to be made to a secondary number if the first attempt fails to make personal contact with a properly identified alarm user.

Financially interested person. In respect to a permit applicant or permittee, as applicable, all current officers, managers and directors, and each person who is a

stockholder, member, general or limited partner, owner or who holds more than ten (10) percent of the ownership, management rights control or claim to the profits of the business. Financially interested person does not include current officers, directors or shareholders of stock in any corporation which is traded on a national stock exchange.

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

Primary alarm business permit. A permit issued by the Alarm Administrator of a city or town that has adopted this or a similar reciprocal alarm permitting ordinance to an alarm business which has its headquarters, main office, corporate office or designated branch of the alarm business located within the State of Arizona. In the event that an alarm business has its headquarters, main office, corporate office or designated branch in a city or town which does not require the licensing or permitting of alarm businesses, the alarm business may apply for a primary alarm business permit from any city or town in Arizona which has adopted the reciprocal alarm licensing or permitting ordinance.

Proprietor alarm. Any alarm or alarm system which is used or owned by the alarm user and is not monitored, leased or rented from, or owned or maintained, under contract by an alarm business.

Reciprocal alarm business permit. A permit issued by a licensing authority of a city or town that has adopted the reciprocal alarm permitting or licensing ordinance, and in which that alarm business conducts business. This permit will only be issued to an alarm business that has a valid primary alarm business permit from a similar licensing authority within the State of Arizona that has adopted the reciprocal alarm licensing or permitting ordinance.

Reciprocal alarm licensing or permitting ordinance. An ordinance which is substantially the same in its material terms to the one (1) codified in this chapter and which is intended by the adopting jurisdiction to be recognized as being reciprocal with alarm licensing or permitting ordinances adopted by other cities and towns in the State of Arizona. Minor or nonmaterial variations which are enacted in a particular city or town to accommodate local conditions or needs will not affect the reciprocal nature of the ordinance.

(Ord. No. 2196, § 1, 1-10-91; Ord. No. 2272, § 1, 5-28-92; Ord. No. 3042, § 3, 11-4-99)

B. Code Section 24-2, 24-3, 24-4, and 24-5. Section 24-2, 24-3, 24-4, and 24-5, including any subsections under each applicable, of Chapter 24 of the Chandler City Code is hereby amended as follows:

- a. Code Section 24-3.False alarm prevention program was renamed Code Section 24-3.False Alarm Awareness Class
- b. Code Section 24-5.False alarms and permit revocation was renamed Code Section 24-5.Enforcement of Provisions

24-2. Chandler Police Department responsibilities.

The provisions of this chapter shall be administered in a manner prescribed by the Chief of Police. It will also be their duty to attempt to educate the citizens of Chandler of various means to deter false alarms through a false alarm awareness program.

(Ord. No. 3042, § 3, 11-4-99)

24-3. False ~~a~~Alarm ~~prevention program~~ Awareness Class.

The Police Department shall provide an educational program for the prevention of false alarms. The Police Department shall allow an alarm user ~~or proprietor alarm owner~~ to attend any ~~f~~False ~~a~~Alarm Awareness Class~~prevention program~~ for the purposes and under circumstances provided for in this chapter.

If the alarm user ~~or proprietor alarm owner~~ successfully completes the ~~f~~False ~~a~~Alarm Awareness Class~~prevention program~~, the Police Department shall issue the person a certificate. The certificate may be used in lieu of payment of one (1) of the cost recovery fees imposed pursuant to section 24-98 and must be submitted within one (1) year of its issuance.

An alarm user ~~or proprietor alarm owner~~ who attends any ~~F~~False ~~a~~Alarm Awareness Class~~prevention program~~ may attend additional ~~f~~False ~~a~~Alarm Awareness Classes~~prevention programs~~, however, is not eligible to receive another certificate within a twelve-month period from the day on which the person received the initial certificate.

(Ord. No. 3042, § 3, 11-4-99)

24-4. Duties and responsibilities of alarm users.

24-4.1. Alarm user's responsibilities. The duties of an alarm user shall be as follows:

- A. To instruct all personnel who are authorized to place the system or device into operation in the appropriate method of operation.

B. To inform personnel who are authorized to place the alarm system into operation of the provisions of this chapter emphasizing the importance of avoiding false alarms. ~~A current copy of the provisions of this chapter shall be maintained on the premises and be made available to persons who are authorized to place an alarm system into operation.~~

C. Every alarm user shall notify the Chandler Police Department of any change of mailing address within ten (10) days ~~of any such~~ move change.

D. Respond or cause a representative to respond to the alarm system's location within thirty (30) minutes when notified by the Chandler Police Department that an alarm system has generated an alarm signal.

E. Manually activate an alarm only for an event that the alarm system was intended to report.

F. Prior to activation of an alarm system, obtain a new permit and pay any associated fees if there is a change in address, possession or ownership of premises at which an alarm system is maintained.

G. Provide the alarm company performing monitoring services with the current telephone number(s) of the alarm user and the alarm system site. At least one telephone number shall allow for contact at any time of the day or night.

H. All alarm systems installed after October 1, 2014 shall be compliant with SIA CP-01 Control Panel Standards.

~~24-4.2. Proprietor alarm user's responsibilities.~~ The duties of the owner or user of a proprietor alarm system shall be as follows:

~~A. To be familiar with the provisions of this chapter.~~

~~B. To maintain the alarm or alarm system in good working order and take reasonable measures to prevent the occurrence of false alarms.~~

~~C. To notify the Police Department of the name, address and telephone number of the primary person and at least one (1) alternate to be notified in case the alarm is activated.~~

~~D. To inactivate or cause to be inactivated the alarm system within ten (10) minutes of its activation.~~

~~E. To instruct all persons who are authorized to place the system or device into operation in the appropriate method of operation and to lock and secure all points of entry, such as doors and windows.~~

~~F. To inform all persons who are authorized to place the alarm system into operation of the provisions of this chapter emphasizing the importance of avoiding false alarms. A current copy of this chapter shall be maintained on the premises and be made available to persons who are authorized to place an alarm system into operation.~~

~~24-4.32. Alarm user's permits required. No alarm user person shall activate install, use or maintain an alarm system without first obtaining an alarm user's permit from the Chandler Police Department for such each alarm system. A fee as permit will be issued upon application to the Alarm Administrator for an alarm user's permit and payment of the fee established by Council by resolution may be required for the initial registration and annual renewals. Each alarm permit shall be assigned a unique permit number, and the alarm user may be required to provide the permit number and alarm system address to law enforcement to facilitate dispatch, unless a previous alarm user's permit has been revoked for that alarm or applicant and the problem has not been corrected to the satisfaction of the Alarm Administrator. The permit shall be physically maintained within the premises using the alarm system and shall be available for inspection by the Chandler Police Department.~~

~~*Application.* The alarm permit shall be requested on an approved city application form.~~

~~*Transfer of possession.* When possession or ownership of the premise at which an alarm system is maintained is transferred to another person or entity, that person or entity must file an application for an alarm permit within thirty (30) days of obtaining possession of the property. Alarm Ppermits are not transferable, and fees paid by the prior alarm user are not prorated, from one (1) user to another user, or from one (1) address to another address. An alarm user permit shall be valid for a period of one (1) year and may be renewed each year upon payment of the renewal fee established by Council by resolution.~~

~~An alarm user which is a governmental political unit other than the City of Chandler, shall be subject to this chapter and shall be required to obtain a permit, and shall be subject to revocation or payment of additional fees or the imposition of any penalty provided herein, or the removal of the alarm system.~~

~~24-4.43. Alarm systems in leased multi-unit residential or apartment multi-suited commercial complexes—Contracted for by individual tenant. If an monitored alarm system is installed by an individual tenant in an apartment, an individual unit of a leased multi-unit residential or commercial complex unit is monitored, the tenant must provide the name of a representative of the apartment complex owner or~~

property manager on the alarm permit application as one ~~(1)~~ of their responding parties. This name must also be given to the monitoring company.

~~A~~ The tenant ~~of an apartment complex~~ shall also obtain an alarm permit from the Alarm Administrator before operating or causing the operation of an alarm system in the tenant's ~~residential~~ unit.

For purposes of enforcing this chapter against an individual ~~residential~~ unit, the tenant is responsible for any false alarm emitted from the alarm system in the tenant's ~~residential~~ unit.

24-4.54. Alarm systems in ~~leased multi-unit residential apartment or multi-suited commercial~~ complexes—Furnished by ~~the apartment~~ complex as an amenity. If the owner or property manager of a ~~n apartment~~ complex provides alarm systems in each ~~residential-leased~~ unit as an amenity, then the owner or property manager of the ~~apartment~~ complex shall obtain an alarm permit for each unit (whether occupied or not) from the Alarm Administrator.

For purposes of assessing fees and enforcing this chapter, the complex alarm permit holder is responsible for payment of fines for false alarms emitted from the alarm system in each ~~residential~~ unit.

The owner or property manager of an ~~apartment~~ complex shall obtain a separate alarm permit for any alarm system operated in ~~a nonresidential area of the apartment~~ complex, including, but not limited to, common tenant areas and office, storage and equipment areas.

(Ord. No. 2196, § 1, 1-10-91; Ord. No. 3042, § 3, 11-4-99)

~~24-5. False alarms and permit revocation~~ Enforcement of Provisions.

Responding to false alarms costs the City both time and money and alarm users and owners are required to take reasonable measures to prevent false alarms.

24-5.1. Warning notice. When a permitted alarm system generates two (2) false alarms within a consecutive three hundred sixty-five-day period, the Alarm Administrator shall send a warning letter to the alarm user ~~or the proprietor alarm owner~~ that one (1) subsequent false alarm within said period will subject the notified parties to the sanctions as outlined in this chapter. When a non-permitted alarm system generates one (1) false alarm, the Alarm Administrator shall send a warning letter to the alarm user ~~or the proprietor alarm owner~~ that one (1) subsequent false alarm within a consecutive three hundred sixty-five-day period will subject the notified parties to the sanctions outlined in this chapter.

24-5.2. *Notice of excessive ~~(three (3))~~ false alarms. Permitted alarm systems.* If the Chandler Police Department records three (3) or more false alarms within a permit year for any permitted alarm system, the Alarm Administrator or designee will send notice of excessive alarms via shall notify the alarm user by regular mail of such fact to the alarm user's most current mailing address on record with the Chandler Police Department. The alarm user shall, within ten (10) days of the ~~effective~~ date of the notice of excessive false alarms, pay a cost recovery fee to the City of Chandler in the amount of eighty-five dollars (\$85.00). ~~The alarm user shall also submit a report to the Alarm Administrator describing the actions taken or to be taken to discover and eliminate the cause of the false alarms.~~ The alarm user shall be required to pay a cost recovery fee in the amount of eighty-five dollars (\$85.00) for each subsequent false alarm. ~~The alarm user shall also submit a report on each subsequent false alarm describing the actions taken or to be taken to discover and eliminate the cause of the false alarms.~~

24-5.3. *Notice of excessive ~~(two (2))~~ false alarms. Non-permitted alarm systems.* If the Chandler Police Department records two (2) or more false alarms within a permit year for any non-permitted alarm system, the Alarm Administrator or designee will send notice of excessive alarms via shall notify the alarm user by regular mail of such fact to the alarm user's most current mailing address on record with the Chandler Police Department. The alarm user shall, within ten (10) days of the ~~effective~~ date of the notice of excessive false alarms, pay a cost recovery fee to the City of Chandler in the amount of eighty-five dollars (\$85.00). ~~The alarm user shall also submit a report to the Alarm Administrator describing the actions taken or to be taken to discover and eliminate the cause of the false alarms.~~ The alarm user shall be required to pay a cost recovery fee in the amount of eighty-five dollars (\$85.00) for each subsequent false alarm. ~~The alarm user shall also submit a report on each subsequent false alarm describing the actions taken or to be taken to discover and eliminate the cause of the false alarms.~~

24-5.4. Runaway alarm. If the Chandler Police Department records a runaway alarm for any permitted or non-permitted alarm system, the Chandler Police Department may in its discretion discontinue police responses to alarm signals from that system until the alarm user demonstrates to the Chandler Police Department that the cause of the runaway alarm has been repaired, removed, or rectified.

24-5.4. *Revocation.* If any of the following conditions occur, notice will be sent to the alarm user ~~and alarm business who monitors the system,~~ advising ~~them~~ that if they

~~do not the alarm user does not~~ come into compliance, ~~their the~~ alarm user permit will be revoked. ~~This revocation will become effective ten (10) days after the effective date of the notice of revocation unless an appeal is filed as provided hereinafter or compliance satisfactory to the Alarm Administrator is accomplished within such time.~~

~~A. If the alarm user fails Failure~~ to pay the cost recovery fees within the time provided.

~~B. If no report is submitted as required.~~

~~CB. If t~~The Alarm Administrator determines that the actions taken or to be taken by the alarm user will not prevent the reoccurrence of false ~~alarms or runaway alarms.~~

~~This revocation will become effective ten (10) days after the date of the notice of revocation unless an appeal is filed as provided hereinafter or compliance satisfactory to the Alarm Administrator or designee is accomplished within such time.~~

~~24-5.5. System to be disconnected. It shall be unlawful for any An~~ alarm user ~~to who~~ fails to disconnect an alarm system within three (3) days after written notification has been furnished advising the alarm user of the revocation of the alarm user permit, ~~and such failure shall be assessed subject the alarm user to~~ the penalties hereinafter provided.

~~24-5.6. Reinstatement. An alarm user whose alarm user permit has been revoked may have it reinstated- reinstate such permit by doing all of the following: by~~

~~A. p~~Paying all overdue assessments, ~~-submitting a corrective report, and~~

~~B. t~~Taking corrective actions satisfactory to the Alarm Administrator, ~~demonstrating~~

~~C. -Documenting~~ having the system re-inspected, ~~and~~

~~D. p~~Paying a reinstatement fee in an amount established by resolution by Council.

~~24-5.7. Waiver. The Alarm Administrator, after careful review of the conditions/reasons for the alarm activation, shall may determine the alarm report may not be a valid false alarm report and therefore may waive the associated fee(s) if it is determined the alarm report was not a valid false alarm report.~~

~~(Ord. No. 2196, § 1, 1-10-91; Ord. No. 2272, § III, 5-28-92; Ord. No. 3042, § 3, 11-4-99; Ord. No. 3863, §§ 1A—1C, 12-11-06)~~

~~24-6. Alarm business and alarm agent permitting requirements— Reciprocity of permit.~~

It shall be unlawful for any person to operate or engage in an alarm business, or to engage in the occupation of alarm agent without first having obtained a permit pursuant to the provisions of this chapter. A separate permit is required for each business name under which an alarm business conducts business or advertises. The permit required by this chapter shall be in addition to any other permittees or permits required in order to engage in business by either the City, the County or State. Persons engaging in activities described in this chapter shall comply with all other ordinances and laws, including the City Zoning Laws, as may be required to be engaged in business to be permitted. Failure of any applicant or permittee, as applicable, to meet the requirements of this paragraph shall be grounds for denial or revocation of a permit.

A permit issued pursuant to this chapter shall be for a period of one (1) year from the date of issue and may be renewable annually, one (1) year from the original date of issue or renewal, as applicable, subject to renewal pursuant to section 24-6.11 of this chapter.

24-6.1. Types of permits; reciprocity.

A. Primary alarm business permit. A primary alarm business permit may be applied for by an alarm business that is physically located: (i) within the City of Chandler, or (ii) in a jurisdiction that has not adopted this reciprocal ordinance, or (iii) out of State. A separate alarm business permit is required for each business name under which an alarm business conducts business or advertises.

B. Reciprocal alarm business permit. An alarm business within the State of Arizona, or outside the State of Arizona, which has a valid primary alarm business permit issued by a jurisdiction that has adopted the reciprocal alarm licensing or permitting ordinance shall be entitled to the issuance of a reciprocal alarm business permit upon compliance with the terms and conditions of this chapter.

C. Alarm agent permit. Persons desiring to engage in the business or occupation of alarm agent shall apply for and obtain an alarm agent permit from the jurisdiction which issues the primary alarm business permit for the alarm business for which the alarm agent is or will be working. A person holding a valid alarm agent permit, who desires to work for an alarm business holding a reciprocal alarm licensing or permitting ordinance, does not have to obtain a separate permit, but shall provide a copy of his or her permit, upon request, to the jurisdiction in which the reciprocal permit has been issued.

24-6.2. Alarm business permit applications; contents. Applications for an alarm business permit or an alarm business permit renewal made pursuant to this chapter shall be submitted to the Alarm Administrator and shall include the information listed below.

A. The name, business address, mailing address and telephone number of the alarm business. If the applicant is a corporation, the name of the corporation shall be

~~set forth exactly as shown in its articles of incorporation, or its charter, together with the State and date of incorporation and the names, residence addresses and dates of birth of each financially interested person. If one (1) or more of the partners is a corporation, the provisions of this subsection relating to information required of a corporation shall apply.~~

~~B. In the event that the applicant is a corporation, partnership or limited partnership, the applicant shall designate one (1) of its officers or general partners to act as its responsible managing officer. Such designated person shall complete and sign all application forms required of an individual applicant under this chapter.~~

~~C. The name of the applicant, any alias or other name used or by which the applicant has been previously known, his or her current residence and business addresses, telephone numbers, including facsimile numbers, and e-mail addresses, if applicable.~~

~~D. The names and addresses of the alarm agents employed by the alarm business.~~

~~E. The applicant's residence and business address for the five-year period immediately preceding the date of filing of the application and the inclusive dates of each such address.~~

~~F. Proof that the applicant is at least eighteen (18) years of age, as indicated on a current driver's license with picture, or other picture identification document issued by a governmental agency.~~

~~G. Height, weight, color of eyes and hair and date of birth of the applicant.~~

~~H. Two (2) current two-inch by two-inch photographs of the applicant.~~

~~I. The applicant's employment history for the five-year period immediately preceding the date of the filing of the application.~~

~~J. Information as to whether the applicant, or the business on behalf of which the permit is being applied, has ever been refused or denied any similar permit or permit, or has had any similar permit or license revoked, canceled or suspended, and the reason or reasons for the revocation, cancellation or suspension.~~

~~K. Whether or not the applicant has ever been convicted of a crime, regardless of whether the conviction was later set aside or expunged, in any domestic, foreign or military court. "Crime" means any and all felonies, misdemeanors and serious driving offenses (e.g. driving under the influence of intoxicating liquor or drugs, reckless driving, driving on a suspended, revoked, canceled or refused driver's license, or any driving offense for which the possible penalty includes jail time). Applicant as used in this subsection includes, as applicable, all of the business entities and individuals indicated in subsection (a)(1), above. "Crime" does not include minor (civil) traffic offenses. "Convicted" means having plead guilty or nolo contendere ("no contest") to a crime and/or have been sentenced for a crime, whether incarcerated, placed on probation, fined or having received a suspended sentence. An applicant shall also~~

answer "yes" to this question, even though he or she has not been convicted of a crime, if the applicant is presently pending trial or other court proceeding for a crime.

L. For initial and renewal applications for primary alarm business permit only, one (1) full set of fingerprints on fingerprint cards, or fingerprint data, as provided in section 24-6.5 of this chapter. Fingerprints or fingerprint data must be submitted on fingerprint cards provided or approved by the licensing jurisdiction, but may be taken by any law enforcement or other government agency.

M. Copies of the State of Arizona Registrar of Contractor's C-12 License or L-67 License, or both, as applicable, issued to the alarm business applicant, and copy of State of Arizona Transaction Privilege Tax License.

N. A list of all municipalities, counties, cities or towns where the applicant conducts business.

O. An express agreement by the alarm business that any and all records of the alarm business, whether written or recorded, electronically or otherwise, or in any other form, relating to information required to be supplied to the Police Department in case of an alarm, shall be immediately made available at any time upon request for inspection by agents of the Police Department.

P. Such other information, evidence, statements or documents as may be deemed by the Alarm Administrator to be reasonably necessary to process and evaluate the application or renewal.

24-6.3. Application for a reciprocal alarm business permit. Applications for a reciprocal alarm business permit or a reciprocal alarm business permit renewal made pursuant to this chapter shall be submitted to the Alarm Administrator and shall include the information listed hereinabove in subsection 24-6.2, A., B., C., D., N., O. and P. The applicant shall also submit a certified copy of the applicant's valid and current primary alarm business permit or license from a jurisdiction within the State of Arizona.

24-6.4. Alarm agent permit applications. An alarm agent permit application and an alarm agent permit renewal application shall include the following information about the applicant:

A. The name of the applicant and any alias or other name, used or by which the applicant has been previously known, his or her current residence and business addresses, telephone numbers, including facsimile numbers, and e-mail addresses, if applicable.

B. The name, business address and business telephone number of the alarm business where the applicant is or will be employed.

C. Proof that the applicant is at least eighteen (18) years of age, as indicated on a current driver's license with picture, or other picture identification document issued by a governmental agency.

- D. Height, weight, color of eyes and hair and date of birth of the applicant.
- E. Two (2) current two-inch by two-inch photographs of the applicant.
- F. The applicant's employment history for the five-year period immediately preceding the date of the filing of the application.
- G. Information as to whether the applicant has ever been refused or denied any similar license or permit, or has had any similar permit or license revoked, canceled or suspended, and the reason or reasons for the revocation, cancellation or suspension.
- H. Whether or not the applicant has ever been convicted of a crime, regardless of whether the conviction was later set aside or expunged, in any domestic, foreign or military court. "Crime" means any and all felonies, misdemeanors and serious driving offenses (e.g. driving while under the influence of intoxicating liquor or drugs, reckless driving, driving on a suspended, revoked, canceled or refused driver's license, or any driving offense for which the possible penalty includes jail time). Applicant as used in this subsection includes, as applicable, all of the business entities and individuals indicated in subsection 24-6.2 above. "Crime" does not include minor (civil) traffic offenses. "Convicted" means having plead guilty or nolo contendere ("no contest") to a crime and/or have been sentenced for a crime, whether incarcerated, placed on probation, fined or having received a suspended sentence. An applicant shall also answer "yes" to this question, even though he or she has not been convicted of a crime, if the applicant is presently pending trial or other court proceeding for a crime.
- I. One (1) full set of fingerprints on fingerprint cards, or fingerprint data, as provided in section 24-6.5 below. Fingerprints or fingerprint data must be submitted on fingerprint cards provided or approved by the licensing jurisdiction, but may be taken by any law enforcement or authorized government agency.
- J. The applicant's business, occupation or employment history for the five-year period immediately preceding the date of filing the application.
- K. A list of all municipalities, counties, cities or towns where the applicant conducts business.
- L. Such other information, evidence, statements or documents as may be deemed by the Alarm Administrator to be reasonably necessary to process and evaluate the application or renewal.
- 24-6.5. Background investigation; fingerprints. As a condition of the issuance of permits pursuant to this section, except for reciprocal alarm business permits, the Alarm Administrator shall require each applicant to furnish one (1) full set of fingerprints, or fingerprint data, to enable the Alarm Administrator to conduct a criminal background investigation to determine the suitability of the applicant.*

The applicant shall bear the cost of conducting the applicant's criminal background investigation. The cost shall not exceed the actual cost of obtaining the applicant's criminal history information. Applicant criminal history records checks shall be conducted pursuant to A.R.S. § 41-1750, and Public Law 92-544, as amended. The Alarm Administrator shall submit or electronically transmit all completed applicant fingerprint cards to the department of public safety to conduct a statewide criminal history check and is authorized to exchange the submitted applicant fingerprint card information with the Federal Bureau of Investigation to allow a national criminal history records check to be conducted.

24-6.6. Issuance; grounds for denial.

A. The Alarm Administrator shall have ninety (90) days from the date of the completion of all application materials and requirements to either issue or deny any permit subject to this section. The issuance of any permit shall in no way be construed as a waiver of any right of denial or revocation the City may have at the time of issuance.

B. The Alarm Administrator will issue a permit provided for by this section to an applicant, or renew a permit, if applicable, when the following conditions of the applicable permitting provisions have been fully satisfied:

~~1. All application requirements have been met, including any police background checks and fingerprint requirements.~~

~~2. All permit fees have been paid in full.~~

~~3. No grounds for denial listed in this section exist.~~

~~4. The applicant has submitted satisfactory evidence of compliance with the business tax license requirements of the City and other City requirements.~~

C. The following are grounds for denying an alarm business permit or an alarm agent's permit or denying the renewal of an alarm business or alarm agent permit, if the Alarm Administrator, at the time of the filing of an original application or a request for renewal, has reasonable grounds to believe that an applicant, permittee, or person who is financially interested in a permit:

~~1. Has been previously convicted, in any jurisdiction, of a felony; or a misdemeanor involving fraud, theft, dishonesty, moral turpitude, physical violence, assault, indecent exposure, illegal use or possession of a deadly weapon, or a violation of A.R.S. Title 13, Chapter 34 (drug offenses, including but not limited to those relating to possession, sale or other conduct involving marijuana, narcotic drugs, precursor chemicals and prescription drugs), or offenses committed in another jurisdiction, which if committed in Arizona would be in violation of A.R.S. Title 13, Chapter 34; or similar statutory provision; within the five-year period immediately preceding the filing of an original application or a request for renewal, whether or not the conviction or convictions have been expunged from court records pursuant to law.~~

~~2. Has prepared or filed an application or request for renewal which contains any false or misleading information, submitted false or misleading information in support of such application or request, or failed or refused to make full disclosure of all information required by this chapter.~~

~~3. Has had a permit relating to alarm businesses or agents, as applicable, or a permit of similar character, issued by the City or another authority, suspended, canceled or revoked within the five-year period immediately preceding the date of the filing of the application.~~

~~4. Is not a United States citizen or lawful permanent resident alien or an alien who is authorized to work by the United States Department of Justice Immigration and Naturalization Service.~~

~~5. Has violated a provision of this chapter, or who has committed any act which, if committed by a permittee, would be grounds for the denial or revocation of a permit pursuant to this section.~~

~~D. Notice shall be given of any denial of a permit application, or a request for renewal, in writing, and either by hand-delivery or by mail, to the address of record. The notice shall include the reasons for denial of the permit or permit renewal. An aggrieved applicant may appeal the denial as provided in section 24-8 below.~~

~~*24-6.7. Display of permit.*~~

~~A. Alarm business permits shall state whether they are primary alarm business permits or reciprocal alarm business permits. The primary alarm business permit or reciprocal alarm business permit, as applicable, shall be at all times conspicuously displayed at the alarm business's central station or office.~~

~~B. Alarm agent permits shall be carried on the person of an alarm agent at all times while so employed and the alarm agent shall display the permit to any Police Officer, or authorized representative of Chandler, upon request.~~

~~*24-6.8. Notice of change in information.* Applicants for primary or reciprocal alarm business permits, or applications for renewal of any such permits, shall notify the Alarm Administrator, in writing, of any change in the information contained in the permit application or renewal application. Notification shall be given to the Alarm Administrator within fifteen (15) calendar days of the occurrence of the change.~~

~~Applicants for alarm agent permits, or applications for renewal of such permits, shall notify the Alarm Administrator, in writing, of any change in the information contained in the permit application or renewal application. Notification shall be given to the Alarm Administrator within fifteen (15) calendar days of the occurrence of the change.~~

~~*24-6.9. Revocation; grounds.* The Alarm Administrator may revoke any primary or reciprocal alarm business or alarm agent permit, when the Alarm Administrator has reasonable grounds to believe that:~~

A. The permittee or any financially interested person, has violated any of the grounds for denial of a permit, as described in section 24-6.6 C. above.

B. The permittee or any financially interested person has failed to comply with the requirements of this chapter, including failure to provide changes in permit information, as required by section 24-6.8 above.

C. Failure of the permittee to comply with the requirements of this section relating to alarm business or alarm agent responsibilities, false alarms, or assessments.

D. Failure to maintain in good standing all permits or permits which are required pursuant to this chapter to hold a primary or reciprocal alarm business permit, or alarm agent permit, as applicable.

24-6.10. Application after denial or revocation of permit. No person, association, firm or corporation may apply for any permit required under this section within one (1) year from the denial of any such permit to such applicant, or from the nonrenewal or revocation of any such permit, unless the cause of such denial, revocation or nonrenewal has been, to the satisfaction of the Alarm Administrator, removed within such time. This section shall be inapplicable to denials of applications or renewal when the reason for denial was for an administrative, technical or otherwise nonmaterial reason.

24-6.11. Renewal of permit.

A. The holder of a primary alarm business permit, reciprocal alarm business permit or alarm agent permit, desiring to renew a permit shall do so annually by submitting a renewal application, containing the information listed in section 24-6.4 above, and paying the required renewal fee and the costs for criminal history information. In addition to these requirements, the holder of a reciprocal alarm business permit, as a condition of renewal, shall also submit a copy of the approved primary alarm business permit upon which reciprocity is based.

B. Applications for permit renewal shall be filed with the Alarm Administrator no later than ninety (90) days prior to the expiration of the permit currently in effect. In the event that a permit renewal application is not timely submitted, the permit will not be renewed until a complete criminal history background check has been completed. Applications for permit renewal shall not be accepted after the expiration date of the permit. In the event that a permit expires without the permittee having submitted a timely application for renewal, the holder of the expired permit must file a new application for initial permit and shall comply with all of the requirements provided herein for obtaining an initial permit.

24-6.12. Termination/cancellation of permit; notice.

A. An alarm agent who terminates employment with an alarm business shall immediately surrender his or her alarm agent permit to the Alarm Administrator.

~~B. An alarm agent who terminates his/her employment with an alarm business to change employment to another alarm business permittee shall notify the Alarm Administrator of the transfer, in writing, within fifteen (15) calendar days of the change in employment.~~

~~C. An alarm business may cancel an alarm business permit by filing a notice of cancellation of the permit with the Alarm Administrator. The notice of cancellation shall include the effective date of the cancellation. In the event of the cancellation of a primary alarm business permit, notice shall be given to all jurisdictions in which reciprocal alarm business permits have been issued and are active. Reciprocal alarm business permits shall be canceled as of the effective date of the cancellation of the primary alarm business permit, unless requested to be sooner canceled by the permittee.~~

~~D. An alarm business permittee shall notify the City within fifteen (15) calendar days of any change in the number or names or addresses of all alarm agents employed by the alarm business.~~

(Ord. No. 3042, § 3, 11-4-99)

C. Code Section 24-7, 24-8, 24-9. Section 24-7, 24-8, and 24-9 of Chapter 24 of the Chandler City Code is hereby amended as follows:

- a. Code Section 24-7 was renamed Code Section 24-6. Prohibited Acts, penalty
- b. Code Section 24-8 was renamed Code Section 24-7
- c. Code Section 24-9 was renamed Code Section 24-8

24-76. General regulations; unlawful Prohibited aActs; penalty.

The following acts are prohibited:

~~24-67.1. Prohibition of aAutomatic dialing devices.~~ No person shall use or cause to be used any ~~telephone~~ device or ~~telephone~~ attachment that automatically selects a public primary telephone ~~trunk~~ line of the City of Chandler and then reproduces any prerecorded message or signal.

~~24-7.2. Inspection.~~ Each alarm system shall be inspected and serviced or caused to be inspected and serviced by the alarm user permittee at least once in each eighteen-month period. Records shall be maintained by the alarm user permittees for each system showing dates of inspections and the name of the person making such inspection. Records shall be kept for a minimum of two (2) years and be open to Alarm Administrator upon request and upon twenty-four (24) hours' notice.

~~24-67.32. Unlawful False activation.~~ It shall be unlawful for any person to intentionally ~~a~~Activateing or otherwise causing the activation of any hold-up or robbery alarm

~~system for the purpose of summoning law enforcement response when there is no illegal or unauthorized activity requiring immediate law enforcement to the premises. any reason other than to warn of an actual robbery, or to intentionally activate any burglar alarm for any reason other than to warn of an unauthorized entry into an alarm-protected premise. This subsection shall not apply to the testing of alarm systems when the Police Department has been given advance notice of such testing.~~

~~24-76.43. Alarm control. Installing, maintaining, or using an audible alarm system which can sound continuously. No person or business who (which) purchases, leases or rents an audible alarm system, device or service which is not connected to a central receiving station (of an alarm business) shall allow the alarm to sound in excess of ten (10) minutes.~~

~~24-7.5. Removal of unlawful equipment. In addition to any other remedy provided by law, the Alarm Administrator may order the removal of any device or attachment not operated or maintained in accordance with the provisions of this chapter.~~

~~24-76.64. Liability of the City of Chandler limited. The Police Department shall take every reasonable precaution to assure that alarm notifications received are given appropriate attention and are acted upon with dispatch. Nevertheless, the City of Chandler shall not be liable for any failure or neglect to respond appropriately upon receipt of an alarm notification, nor for the failure or neglect of any person with a permit issued pursuant to this chapter or with a franchise, in connection with the installation and operation of equipment, the transmission of alarm signals, or the relaying of such signals and messages. In the event the City of Chandler finds it necessary to order the revocation or disconnection of an alarm device, the City shall incur no liability by such action.~~

~~24-76.75. Failure to obtain permit.~~

~~A. In addition to the unlawful prohibited acts hereinabove specified, it shall be unlawful prohibited for any alarm user to install an alarm system for use within the City of Chandler without first obtaining a permit as required by this chapter. It shall be unlawful prohibited for any alarm user to fail to disconnect an alarm system after the revocation of an alarm user's permit in accordance with the terms and provisions of this chapter.~~

~~B. It shall be unlawful for any person to engage in, conduct, or carry on an alarm business without a valid alarm business permit issued in accordance with the provisions of this chapter.~~

~~C. It shall be unlawful for any person to engage in the work of, represent himself/herself to be, or operate as an alarm agent without a valid alarm agent permit issued in accordance with the provisions of this chapter.~~

~~24.76.8. Penalty.~~

A. Any person convicted of a violation of this chapter except as expressly provided in subsection B. below, shall be guilty of a misdemeanor punishable as set forth in Chapter 1 of this Code.

B. In the event that the Alarm Administrator or designee has ~~reasonable cause to believe~~determined that a person does not have a valid permit as required by this chapter, the Alarm Administrator or designee, with the assistance of the Police Department, shall issue a notice~~warning~~ to such person stating that:

~~1) it is in violation of the provisions of this chapter not to have such permit; and~~
~~2); Such person must applyThe warning shall direct such person to apply for the required permit within ten (10) calendar days of the date of the warning~~notice~~; and~~
~~3). Any person receiving such a notice Such person shall not activate or cause to be activated an alarm system; ~~engage in the alarm business or operate as an alarm agent~~ until the required permit is issued pursuant to this chapter.~~

~~1-C.~~ The required fees for an alarm permit issued after notice ~~under this~~pursuant to subsection B. shall include all fees required by section 24-8 below, including all past due fees.

~~2. An unpermitted alarm business that fails to apply for a permit within the time period provided in this subsection and/or continues to engage in, conduct, or carry on the business of an alarm business without a permit shall be in violation of this section and subject to its penalty provisions.~~

(Ord. No. 2196, § 1, 1-10-91; Ord. No. 3042, § 3, 11-4-99)

24-87. Notice, hearing and procedures.

~~24-87.1. Manner of giving notice.~~ Any notice provided for in this chapter shall be sent to the most recent address of applicant or permit holder as provided in writing to the Alarm Administrator~~on the application or such other address furnished by the permit holder or otherwise known to the City by virtue of more recent and reliable information.~~ The notice may be by personally delivered service, sent regular or electronic mail or sent by certified mail, postage prepaid. Failure to mail notice to an alarm business shall not impair or invalidate any notice furnished to the alarm user.

~~24-78.2. Revocation procedure; hearing.~~

A. The Alarm Administrator or designee shall give notice of ~~its~~ intent to ~~suspend or~~ revoke ~~an~~ alarm permit. Notice shall be given in writing as provided hereinabove. The notice shall include the reasons for the ~~suspension or~~ revocation. ~~A suspended or revoked permit shall be surrendered to the Alarm Administrator on demand.~~

B. ~~Upon written request, if~~ within tenfifteen (1015) days of the ~~effective date mailing~~ or personal service of the notice, ~~by~~ any applicant or permittee whose permit has been ~~denied, revoked or suspended,~~ serves on the Alarm Administrator a written request for a hearing the Alarm Administrator shall hold a hearing on the merits of such ~~denial, suspension or~~ revocation. If a hearing is not requested within tenfifteen (1015) days of the ~~effective date mailing or personal service~~ of the notice, the ~~suspension or~~ revocation shall take effect on the ~~eleventh~~ sixteenth day after the ~~effective date of the~~ such notice. If a hearing is requested, the ~~suspension or~~ revocation shall ~~not take effect until~~ be stayed until after the hearing. The Alarm Administrator shall provide a written decision to the alarm user and service of a new notice from the Alarm Administrator, setting forth the Alarm Administrator's final decision. Appeal of the Alarm Administrator's decision to the City Manager, may not be made prior to such a hearing. Failure to request a hearing within tenfifteen (1015) days of the effective date of the notice of ~~denial, suspension or~~ revocation shall constitute a full waiver of the right to such a hearing and a waiver of the right to appeal the decision to the City Manager.

C. Any ~~parties~~ alarm user aggrieved by the final decision of the Alarm Administrator ~~with regard to the permits required by this chapter~~ may, within tenfifteen (1015) days of the date of the notice of such decision, give written notice to the City Clerk of intention to appeal to the City Manager/designee. A timely appeal shall result in a stay of any decision of the Alarm Administrator. Appeals will be heard in accordance with the provisions set forth in Chapter 1. Failure to appeal in writing within the prescribed time constitutes a waiver of the right to appeal. The decision of the City Manager shall be final.

~~D. When an alarm business permit, a reciprocal alarm business permit or an alarm agent permit is denied, suspended or revoked, the Alarm Administrator shall transmit notice of the action, by facsimile, to all municipalities, counties, cities, and towns listed on the permit application. The revocation of a primary alarm permit shall result in the same action being taken as to all reciprocal alarm business permits which are derived from that primary alarm business permit.~~

(Ord. No. 2196, § 1, 1-10-91; Ord. No. 3042, § 3, 11-4-99)

24-98. Fees.

Applicants for any of the permits required by this chapter shall pay the application fee established by Council resolution at the time any application is submitted. The fees, which shall be nonrefundable, nontransferable and will not be prorated, shall accompany initial applications and renewals.

24-98.1. Permit Fee exemption. If the residential alarm user is over the age of sixty-five (65) and the alarm is located in the primary residence of the alarm user and if no business is conducted in the residence, upon the completion of an application, an alarm ~~user's~~ permit may be obtained from the Alarm Administrator without the payment of a fee.

24-98.2. Administrative penalty.

A. An administrative penalty as established by resolution of the Council, in addition to the permit fee, shall be assessed to an alarm user who fails to obtain a permit prior to connecting an alarm system.

B. ~~In addition to the current permit fees due, all applicants for permits under this chapter who have operated as an alarm business or alarm agent within this jurisdiction in violation of this chapter shall pay such additional fees as would have been paid if the applicant had previously complied with its requirements.~~ Fees shall be subject to accrual from the effective date of the chapter and may be collected from the applicant for a period of not more than four (4) years.

24-98.3. Duplicate permit. Upon written ~~or verbal~~ request ~~and payment of the fee established by Council resolution~~, the Alarm Administrator ~~or designee~~ shall issue a duplicate permit to a permittee whose permit has been lost, stolen or destroyed.

(Ord. No. 2196, § 1, 1-10-91; Ord. No. 3042, § 3, 11-4-99)

INTRODUCED AND TENTATIVELY APPROVED by the City Council of the City of Chandler, Arizona, this ___ day of ___ 20__.

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the Mayor and City Council of the City of Chandler, Arizona, this ___ day of ___ 20__.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. ___ was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the ___ day of ___ 20___, and that a quorum was present thereat.

APPROVED AS TO FORM



CITY CLERK

CITY ATTORNEY