

RESOLUTION NUMBER 2480

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, DECLARING THAT CERTAIN DOCUMENT TITLED CHAPTER 8.32, ALARM SYSTEMS, PERTAINING TO THE COTTONWOOD MUNICIPAL CODE, A PUBLIC RECORD.

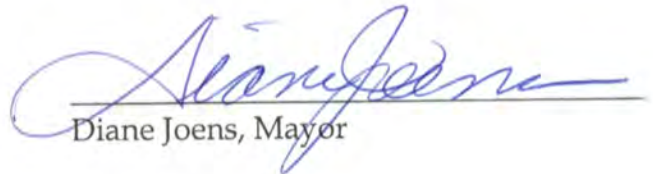
BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, YAVAPAI COUNTY, ARIZONA, THAT:

Section 1: Declaration of Public Record. That certain document known as Chapter 8.32 Alarm Systems, of the Cottonwood Municipal Code is hereby declared to be a public record.

Section 2: Copies with City Clerk. Three copies are ordered to remain on file with the City Clerk.

Section 3. Effective Date. This Resolution shall be effective upon adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA THIS 20TH DAY OF OCTOBER 2009.


Diane Joens, Mayor

APPROVED AS TO FORM:



Steven B. Horton, Esq.
City Attorney

ATTEST:



Marianne Jiménez, City Clerk

Chapter 8.32 ALARM SYSTEMS

Sections:

8.32.010 Definitions.

8.32.020 Alarm user responsibilities.

8.32.030 Regulations.

8.32.040 Penalty.

8.32.050 Penalty assessment appeal.

8.32.060 Grace period.

8.32.070 Exemptions.

8.32.080 Liability of city limited.

8.32.010 Definitions.

The following words and phrases, whenever used in this section, shall be construed as defined in this section:

- A. "Act of nature" means an unusual, extraordinary, sudden and unexpected manifestation of the forces of nature, the effects of which cannot be prevented by reasonable human care, skill or foresight.
- B. "Alarm system" means any mechanical or electrical device which is used for the detection of smoke, fire or unauthorized entry into a building or other facility or for alerting others of the occurrence of fire or a medical emergency or the commission of an unlawful act within a building or other facility and which is designed to emit an outside audible alarm or transmits a signal or message when actuated. "Alarm systems" include direct dial telephone devices, audible alarms and proprietor alarms.
- C. "Alarm user" means any person who purchases, leases, contracts for, otherwise obtains, or uses an alarm system.
- D. "Burglar alarm system" means an alarm system signaling an entry or attempted entry to the area protected by a system.
- E. "Common cause" means a technical difficulty or malfunction which causes an alarm system to generate a series of false alarms.
- F. "False alarm" All alarm activations in the absence of an emergency, whether willful or by inadvertence, negligence, or unintentional act, to which the Police Department or Fire Department responds. The definition of false alarm includes the intentional or negligent activation of a holdup alarm for other than a holdup in progress, the intentional activation of a burglary alarm and or fire alarm for other than an emergency. This definition excludes alarms for which the user has attempted to cancel the response, also testing or repairing of telephone electrical lines or equipment outside the premises, and acts of nature.
- G. "Fire alarm system" means an alarm system designed to detect fire and/or smoke, and cause it to be reported to the fire department or emergency communications center. Any outside Fire alarm audible sounding device shall be included as a Fire alarm system.
- H. "Panic alarm" means any device or system designed to be victim-activated to alert others of the existence of an emergency.
- I. "Robbery alarm system" means an alarm system signaling a robbery or holdup or attempted robbery wherein a personal confrontation is occurring. Such a system may include the use of a panic button activation device.
- J. "Installation" Fire protection systems shall be maintained in accordance with NFPA72 and the 2003 International Fire Code and the original installation standards for that system. Required

systems shall be extended, altered, or augmented as necessary to maintain and continue protection whenever the building is altered, remodeled or added to. Alterations to fire protection systems shall be done in accordance with applicable standards in NFPA72 and the International Fire Code

1. "Installation acceptance testing" - Fire detection and alarm systems, fire-extinguishing systems, fire hydrant systems, fire standpipe systems, fire pump systems, private fire service mains and all other fire protection systems and appurtenances thereto shall be subject to acceptance tests as contained in the installation standards and as approved by the fire code official. The fire code official shall be notified before any required acceptance testing.

K. "Responsible Party" means that person or persons who is responsible for the premises where the alarm is installed ie: store manager, property manager, care taker or anyone charged with the task of maintaining the property and or security of the location.

L. Systems out of service; Where a required fire protection system is out of service, the fire department and the fire code official shall be notified immediately and, where required by the fire code official, the building shall either be evacuated or an approved fire watch shall be provided for all occupants left unprotected by the shut down until the fire protection system has been returned to service. Where utilized, fire watches shall be provided with at least one approved means for notification of the fire department and their only duty shall be to perform constant patrols of the protected premises and keep watch for fires. All fire systems shall be repaired within 24 hours. Any systems that are not fully operational per NFPA72 within the 24 hour timeframe may be subject to a fine of up to \$100.00 per day.

8.32.020 Alarm user/ Responsible party responsibilities.

A. The responsible party of any alarm system, whether at a business or residence, shall be responsible for instructing all persons who are authorized to place the device or system into operation in the appropriate method of operation, advising them of the provisions of this chapter, and emphasizing the importance of avoiding false alarms. The responsible party shall maintain the alarm equipment in proper working order at all times so as to minimize the occurrence of false alarms. Fire Department exception: Non-monitored fire alarm systems are excluded from this requirement.

B. The alarm system operation instructions shall be maintained on the premises.

C. The responsible party shall post or provide to persons authorized to place the alarm system or device into operation and the phone numbers for:

1. City police and fire departments;

2. The alarm monitoring business twenty-four-hour service number.

D. The responsible party shall notify the police and/or fire department of the name and telephone number of the primary person, and at least one alternate, to be notified in case the alarm is activated. This list of names and numbers must be immediately updated if there are any changes.

E. The responsible party or authorized persons shall respond to the alarm location and shall inactivate the alarm system within one hour of notification of its activation.

(Ord. 330 § 1(part), 1995)

F. The responsible party of any location that has an alarm system shall complete an alarm system registration card every year at the time of the business license renewal. This card shall identify the type of alarm, the company that monitors the system and who are the responsible

parties or authorized agents. This card can be returned with the business registration form.

8.32.030 Regulations.

A. It is unlawful for any person to intentionally activate any burglar, robbery, fire or panic alarm except to warn of a criminal act or unauthorized entry on or into an alarm-protected premises. This subsection shall not apply to the testing of an alarm system when the police department has been given advance notice of such testing.

B. No person shall install, use or cause to be used any telephone device or telephone attachment that automatically selects or dials the Emergency 911 number, a published emergency telephone number, or any city of Cottonwood telephone number and then reproduces any prerecorded message or signal.

8.32.040 Penalty.

A. When an alarm system generates two false alarms within a calendar year, the police/fire department shall send a warning notice to the alarm responsible party that any subsequent false alarms within the calendar year beginning with the first reported false alarm will subject the notified party to the sanctions as provided herein.

B. Any alarm system which has three or more false alarms within a calendar year, shall be subject to penalty assessments as hereinafter provided:

1. If the police and/or fire department records three false alarms within a calendar year for any alarm system, the police and/or fire department shall notify the alarm responsible party by certified mail or personal service by a designee of the Police Chief or Fire Chief of such fact. The designee shall direct that the alarm responsible party within ten days of receipt of the notice of excessive false alarms, pay a penalty assessment to the city in the following sums, 3rd False Alarm \$50, 4th false Alarm \$100, 5th False Alarm \$250, 6th and any subsequent False Alarm \$500.

2. If the responsible party or authorized agent does not respond to the alarm location to inactivate the alarm and/or reset it the responsible party will be notified by certified mail or personal service by a designee of the Chief of such fact and at the time will be required to a pay a penalty assessment in the amount of \$50.

3. If the responsible party does not notify Police and/or Fire Departments of changes in the responsible party and/or authorized agents names and phone numbers, they will be notified by certified mail or personal service by a designee of the Chief of such fact and at the time will be required to a pay a penalty assessment in the amount of \$50.

4. In the event the assessments are not tendered within ten days of receipt of notice, the unpaid balance will be subject to a charge at the time of request for annual business license renewal.

C. A report from the police or fire department documenting a police or fire response to an alarm and an investigation which revealed the alarm was false shall constitute prima facie evidence of a false alarm.

D. Evidence that a false alarm was caused by an act of nature or action of the telephone company may be presented as a defense to the counting of such an alarm as a false alarm.

8.32.050 Penalty assessment appeal.

A. Any party aggrieved by the decision resulting in a penalty assessment may request a hearing on the penalty assessment by filing a written request for a hearing within ten days of receipt of such penalty. The request shall be filed, in writing, with the police chief, fire chief, or designee.

B. The request for hearing shall include a statement of the reason or reasons that the alarm responsible party believes justify reduction or waiver of the penalty assessment. The alarm responsible party shall describe, if applicable, what actions have been taken to discover and eliminate such alarm activations in the future.

C. In the event that the police chief, fire chief, or designee, finds that grounds exist justifying relief from the penalty assessment the alarm responsible party shall not be responsible for payment.

D. Any party aggrieved by the decision of the police chief or his designee may appeal the decision to the City of Cottonwood Hearing officer. This appeal will be done in writing within 10 business days of the police chief or his designee's decision.

8.32.060 Grace period.

A. Newly installed and reinstalled alarm systems shall not be subject to the provision of this section relating to counting and assessment of false alarms for a period of thirty days from the date the alarm system becomes operational if the alarm responsible party notifies the police and/or fire department in writing within ten days of the completion of the installation or reinstallation. The written notice shall specify the date the system was installed or reinstalled and if reinstalled, the notice shall also describe the nature and extent of the reinstallation.

B. Alarm installation companies shall provide written notice to owner of the requirement to give the city written notice of installation or reinstallation.

8.32.070 Exemptions.

The provisions of this chapter shall not be applicable to audible alarms affixed to automobiles.

8.32.080 Liability of city limited.

The police and fire departments shall take every reasonable precaution to assure that alarm notifications received are given appropriate attention and are acted upon with dispatch.

Nevertheless, the city shall not be liable for any failure, or neglect to respond appropriately upon receipt of an alarm notification. Further, after 6 false alarms in a calendar year the chief or his designee may decline to respond to burglar alarms at that location until the chief or his designee are provided evidence that the alarm malfunction has been repaired.