

NOTICE OF SPECIAL MEETING
COMMON COUNCIL OF THE CITY OF COOLIDGE
MONDAY, FEBRUARY 28, 2011
OFFICE HOURS – 6:00 P.M.
COUNCIL CHAMBERS, 911 S. ARIZONA BOULEVARD
PINAL COUNTY, COOLIDGE, ARIZONA

Members of the Coolidge City Council will attend either in person or by telephone conference call or video communication.

CALL TO ORDER:

1. Roll Call

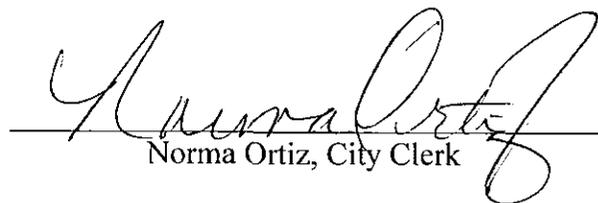
DISCUSSION ISSUES:

2. Discuss proposed amendments to Chapter 14 of the Coolidge City Code regarding motorized play vehicles and motorized skateboards. **Discussion.**
3. Discuss proposed addition of Chapter 21 – Alarm Systems to the Coolidge City Code regarding regulations on Alarm Systems. **Discussion.**

ADJOURNMENT

THIS NOTICE IS POSTED IN ACCORDANCE WITH THE CITY CODE 2-4-1 OF THE CITY OF COOLIDGE AND A.R.S. § 38-431, ET SEQ. ALL MEMBERS OF THE PUBLIC ARE INVITED TO ATTEND THIS MEETING.

DATED this 23rd day of February, 2011


Norma Ortiz, City Clerk

PERSONS WITH SPECIAL ACCESSIBILITY NEEDS, INCLUDING LARGE PRINT MATERIALS OR INTERPRETERS, SHOULD CONTACT THE ADA COORDINATOR AT (520) 723-5361 OR TDD LINE (520) 723-4653 NO LATER THAN 10:00 A.M. FEBRUARY 28, 2011.

The Agenda and all supporting documents and materials pertaining to this Agenda together with Staff and Department Reports are available for viewing in the Library and City Hall during normal business hours.

POSTED: 2-23-11

TIME: 5:00 p.m.

AMENDMENT TO CHAPTER 14 OF COOLIDGE CITY CODE

The language contained in Article 14-1 of Chapter 14 of the Coolidge City Code and all amendments thereto are repealed in its entirety and replaced with the following:

Article 14-1 ADMINISTRATION

14-1-1	Definitions
14-1-2	Enforcement
14-1-3	Violations

14-1-1 Definitions

The definitions in A.R.S. §28-101 *et seq.* shall be applicable to this Chapter unless a term is specifically defined in this Chapter or unless the context requires otherwise.

14-1-2 Enforcement

- A. It shall be the duty of the City police department to provide for the enforcement of the street traffic regulations of the City and all of the State vehicle laws applicable to street traffic in the City, to make arrests for traffic violations, to assist in the prosecution of those persons charged with violations of law, to investigate accidents and to assist the City engineer in developing ways and means to improve traffic conditions and to carry out duties specifically imposed upon the City police department by this Chapter.
- B. Any peace officer of the City may be authorized by the police chief to perform any of the duties of the police department included in this Chapter.
- C. The City police department shall keep a record of all violations of the traffic laws of the City or of the State vehicle laws of which any person has been charged. Such record shall be maintained for at least the most recent five (5) year period.
- D. All forms for records of violations and notices shall be serially numbered.
- E. All records and reports shall be public records.

14-1-3 Violations.

Violations of this Chapter are civil traffic violations unless otherwise designated and shall be prosecuted as provided in Chapter 20 of this Code.

The language contained in Section 14-2-2 of the Coolidge City Code and all amendments thereto are repealed in its entirety and replaced with the following:

14-2-2 Use of Roller Skates and Similar Devices Restricted

It is unlawful for any person upon roller skates or riding any battery operated toy vehicle or similar device to go upon any roadway except while crossing a street in a crosswalk, and when crossing, such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians.

The following Sections 14-2-12 and 14-2-13 are added to Article 14-2 of Chapter 14 of the Coolidge City Code:

14-2-12 Safety

A. Speed in alleys. No person shall operate a motor vehicle through a public alley or any part thereof, within the City limits, at a speed greater than fifteen (15) miles per hour. As used in this Chapter, "alley" means any right-of-way for vehicular traffic in the City where the dedicated right-of-way is twenty-four (24) feet or less.

B. Boarding, alighting from vehicles in motion. No person shall board or alight from any vehicle while such vehicle is in motion.

C. Riding upon portions of vehicles not intended for passengers. No person shall ride upon any portion of a vehicle not designed or intended, or reasonably suited for the safe use of passengers

14-2-13 Vehicles on Private Property

A. Written permission required. No person shall operate or drive any motor vehicle, motorcycle, minibike, dune buggy, motorized play vehicle, or other form of transportation propelled by an internal-combustion engine, upon the private property of another or upon public property which is not held open to the public for vehicle use, without the written permission of the owner thereof or the person entitled to immediate possession thereof, or the authorized agent of either. The property owner, lessee or invitee may operate such vehicles if the use is incidental to the enjoyment of the property rights and does not violate any other applicable laws. Whenever any such person is stopped by a police officer of the City for

violations of this section, the person shall, upon request of the police officer, display written permission.

B. Display grant of permission. No person shall park or leave any motor vehicle, motorcycle, minibike, trail bike, dune buggy, motorized play vehicle, motor home, travel trailer, camper, boat or other form of recreational vehicle or form of transportation upon the private property of another without displaying in public view the written permission of the property owner or the person entitled to immediate possession thereof or the authorized agent of either.

The following Sections 14-3-7, 14-3-8 and 14-3-9 are added to Article 14-3 of Chapter 14 of the Coolidge City Code:

14-3-7 Parking oversized vehicles, trucks or trailers on residential streets prohibited

No person shall stand or park any vehicle with a gross vehicle weight in excess of fourteen thousand five hundred (14,500) pounds, nor any vehicle modified or altered to add a crane, racks, frames or other structures to customize for a business purpose, nor any trailer or semi-trailer designed or intended to be drawn behind a motor vehicle and used or designed for a business purpose, on any vacant or unimproved lot, street, alley, or other public right-of-way in or within two hundred (200) feet of a residential zone for a period of time longer than two (2) hours, except such vehicles may be parked for a longer period of time only when such parking is necessarily required while actually loading, unloading, delivering or making a service call at a residence. The provisions of this section do not apply to boats or recreational vehicles nor to pickups with crossover or wheel-well utility/tool boxes located in the bed of the pickup and not larger than seventy-five (75) inches in width by fifteen (15) inches in depth by twenty-five (25) inches in length.

14-3-8 Parking for Display or Working on Vehicle

No person shall park a vehicle upon any public roadway for the principal purpose of displaying such vehicle for sale, displaying advertising, displaying commercial exhibits, washing, greasing or repairing such vehicle, except repairs necessitated by emergency.

14-3-9 Presumption in Reference to Illegal Parking

A. In any hearing in which a violation of any law or regulation governing the standing or parking of a vehicle is alleged, proof that the particular vehicle described in the complaint was parked in violation of any such law or regulation, together with proof that the defendant named in the complaint was

at the time of such parking the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where and for the time during such violation occurred.

- B. The provisions of subsection (A) of this section shall apply to those person in whose names such vehicle is jointly registered. Said persons shall be jointly and severally prima facie responsible for such violation and subject to a civil sanction therefore.

The following Article 14-6 is added to Chapter 14 of the Coolidge City Code:

Article 14-6 MOTORIZED PLAY VEHICLES AND MOTORIZED SKATEBOARDS

- 14-6-1 Definitions
- 14-6-2 Applicability of Traffic Laws
- 14-6-3 Responsibility of Parents, Guardians and Custodians
- 14-6-4 Prohibited Areas of Operation
- 14-6-5 General Operating Restrictions
- 14-6-6 Operating Restrictions on Roadway
- 14-6-7 Required Safety Equipment

14-6-1 Definitions. For the purposes of this Chapter, the following words and phrases shall mean:

A. Motorized play vehicle means a coaster, scooter, any other alternatively fueled device (excluding battery operated toy carts designed for children under the age of eight (8) years to ride in or on) or other motorized vehicle that is self-propelled by a motor or engine and which is not otherwise defined in A.R.S. Title 28, as a "motor vehicle," "motor-driven cycle" or "motorized wheelchair."

B. Motorized skateboard means a self-propelled device which has a motor or engine, a deck on which a person may ride by standing upright only and has at least two (2) wheels in contact with the ground and which is not otherwise defined in A.R.S. Title 28, as amended, as a "motor vehicle," "motor-driven cycle" or "motorized wheelchair."

C. Operator mans a person who operates or is in actual physical control of motorized play vehicle or a motorized skateboard upon a public roadway, sidewalk, right of way, park bicycle path or any other public property used for the operation of motor vehicles.

D. Owner means a person who holds the legal title to a motorized

play vehicle or motorized skateboard or any person who is a lessee, conditional vendee or mortgagor of a motorized play vehicle or motorized skateboard with a right to immediate possession.

14-6-2 Applicability of Traffic Laws.

A. All traffic laws shall apply to persons riding motorized play vehicles and motorized skateboards. Every person operating a motorized play vehicle or motorized skateboard upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of this State declaring rules of the road applicable to the vehicles, or by the traffic regulations in this Chapter and except as to those provisions which by their nature can have no application.

B. This section shall not be construed to require the licensing or registration of motorized play vehicles or motorized skateboards, the licensing of motorized play vehicle or motorized skateboard operators, or the carrying of insurance covering accidents involving motorized play vehicles or motorized skateboards.

C. It is unlawful for any person operating a motorized play vehicle or motorized skateboard not to obey the instructions of official traffic-control signals, signs and other traffic direction devices that are applicable to vehicles, unless otherwise directed by a police officer.

14-6-3 Responsibility of parents, guardians, and custodians.

A. No parent, guardian, or custodian of a minor, shall authorize or knowingly permit the minor to violate this section.

B. If a fine is imposed upon a minor found to be in violation of this section, the parents or legal guardian having custody or control of the minor shall be jointly and severally liable with the minor for payment of any fine, whether or not the parents or guardian knew of, or anticipated, a violation of this section.

14-6-4 Prohibited areas of operation.

A. No person shall operate a motorized play vehicle or motorized skateboard:

1. On any sidewalk, except for use in crossing such sidewalk by the most direct route to gain access to any public or private road or driveway.

2. In any City parking structure or City park, except for use on public

roadways within the park, or designated hike/bike trails.

3. On any public property that has been posted or designated by the owner of such property as an area prohibiting the use of "skateboards."

4. On any public roadway consisting of a total of four (4) or more marked traffic lanes, or having an established speed limit of greater than twenty-five (25) miles per hour.

5. On any private property of another, or any public property which is not held open to the public for vehicle use, without the written permission of the owner, the person entitled to immediate possession of the property, or the authorized agent of either.

14-6-5 General operating restrictions.

A. No child under the age of thirteen (13) shall operate a motorized play vehicle or motorized skateboard.

B. No person shall operate a motorized play vehicle or motorized skateboard in excess of the speed that is reasonable and prudent under existing circumstances, or the lawfully posted limit, whichever is lower.

C. The operator of a motorized play vehicle or motorized skateboard, approaching a sidewalk, bicycle path, bicycle lane, or multi-use path in order to cross such, shall yield the right-of-way to all other users.

D. No operator of a motorized play vehicle or motorized skateboard shall allow passengers when the motorized play vehicle or motorized skateboard is in motion.

E. No person operating or riding upon a motorized play vehicle or motorized skateboard shall attach themselves or the motorized play vehicle or motorized skateboard in any manner to any other vehicle.

F. No person shall operate a motorized play vehicle or motorized skateboard while carrying any package, bundle or article which prevents the operator from keeping both hands on the steering mechanism at all times.

G. No person, other than the owner, shall operate a motorized play vehicle or motorized skateboard without the written permission of the owner.

H. No person shall operate a motorized play vehicle or motorized skateboard that has been structurally altered from the original manufacturer's design, unless such structural alteration reduces the noise level emitted from the motorized play vehicle or motorized skateboard below the noise level emitted by the original manufacturer's design.

I. No person shall operate a motorized play vehicle or motorized skateboard in a cross walk.

J. No person shall operate a motorized play vehicle or motorized skateboard while towing or pulling another person, or object.

14-6-6 Operating restrictions on roadway.

A. A person operating a motorized play vehicle or motorized skateboard on a roadway at less than the normal speed of traffic, at the time and place and under the then existing conditions, shall ride as close as practicable to the right-hand curb or edge of the roadway, except under the following conditions and when the movement can be made in safety:

1. If overtaking and passing a bicycle or vehicle proceeding in the same direction.

2. If preparing for a left turn at an intersection or into a private roadway or driveway.

3. If reasonably necessary to avoid hazardous conditions ahead in the roadway.

4. If the lane in which the person is operating the motorized play vehicle or motorized skateboard is too narrow for a motorized play vehicle or motorized skateboard and a bicycle or another vehicle to travel safely side by side within the lane.

B. No operator of a motorized play vehicle or motorized skateboard shall transport extra fuel in a separate container or alter the fuel reservoir from the original manufacturer's design. This includes the prohibition of physically attaching fuel packs or containers to the operator's person.

C. Persons operating motorized play vehicles or motorized skateboards on the roadway shall not ride more than two (2) abreast.

D. Motorized play vehicles or motorized skateboards may only be operated between the hours of 8:00 a.m. and 8:00 p.m.

14-6-7 Required safety equipment.

A. No person shall operate a motorized play vehicle or a motorized skateboard without a head lamp emitting a beam and a red rear reflector anytime from one-half (½) of an hour prior to sunset and one-half (½) of an hour after sunrise, or any other time when there is not sufficient light to render clearly identifiable objects, persons, or vehicles on the roadway.

1. A head lamp shall emit a white light and be visible from the front at a distance no less than five hundred (500) feet.

2. A rear red reflector shall be visible when illuminated by a vehicle head lamp from a distance of not less than three hundred (300) feet.

3. A rear red lamp visible from a distance of five hundred (500) feet to the rear may be used in addition to the rear red reflector.

B. No person shall operate a motorized play vehicle or motorized skateboard unless it is equipped with a brake which enables the operator to make a braked wheel(s) skid on pavement.

C. Any operator of a motorized play vehicle or motorized skateboard under the age of eighteen (18) years being operated on a roadway shall at all times wear a full-face protective helmet on his or her head in an appropriate and safely secured manner. The helmet should be Department of Transportation approved and designated "full-face protection" by the manufacturer.

D. The operator of a motorized play vehicle or motorized skateboard shall wear at all times, protective glasses or goggles or a transparent face shield of a type approved for motorcycle or motor-driven cycle use.

E. No person shall operate a motorized play vehicle or motorized skateboard without wearing footwear. The footwear must have a sole and completely cover the feet and toes.

CHAPTER 21 ALARM SYSTEMS

- 21-1 IN GENERAL
- 21-2 LICENSES AND PERMITS
- 21-3 FALSE ALARMS

21-1 IN GENERAL

- 21-1-1 Applicability
- 21-1-2 Definitions
- 21-1-3 Administration
- 21-1-4 Alarm Business Duties
- 21-1-5 Alarm Subscriber's Duties
- 21-1-6 Proprietor Alarm Responsibilities
- 21-1-7 Activation for Unauthorized Purposes
- 21-1-8 Shutting Off After Sounding Alarm
- 21-1-9 Prohibition Against Automatic Dialing Devices
- 21-1-10 Confidentiality

21-1-1 Applicability

This Chapter is intended to regulate the activities and responsibilities of those persons who purchase, lease or rent and those persons who own or conduct the business of selling, leasing, renting, installing, maintaining, or monitoring alarm systems, devices or services. It is further intended to encourage the improvement in reliability of these systems, devices and services to insure that Police Department personnel will not be unduly diverted from responding to actual criminal activity as a result of responding to false alarms. This Chapter specifically encompasses burglary, robbery and panic alarms, both audible and inaudible (silent). The provisions of this Chapter shall not apply to audible alarms affixed to motor vehicles, audible fire alarms, medical alert devices and alarm systems that are operated by the City, County, State or Federal Government and installed on premises which such entity occupies or uses for governmental purposes.

21-1-2 Definitions

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

“Act of nature” shall mean the unusual, extraordinary, sudden and unexpected manifestation of the forces of nature, which cannot be prevented by reasonable human care, skill or foresight.

“Alarm agent” means 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” means 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” means any mechanical or electrical device that is used to detect smoke, fire, hazardous materials or an unauthorized entry into a building or other facility, or to alert other persons of the occurrence or the commission of an unlawful act against a person or within a building or other facility, and that may be designed to emit an audible alarm or transmit a signal or message when activated.

“Alarm subscriber” means any person, who leases, rents, purchases or uses any monitored alarm system, device or service from an alarm business or who leases or rents an audible alarm system or device or who contracts with an alarm business for alarm monitoring, repair or maintenance services.

“Audible alarm” means any device designed for the detection of an unauthorized entry on premises and which when activated generates an audible sound on the premises.

“Automatic dialer” means any 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, the Police Department.

“Common cause” means a common technical difficulty or malfunction which causes an alarm system to generate a series of false alarms. The series of false alarms shall be counted as one (1) false alarm only if the false alarms have occurred within a seventy-two (72) hour period, and the responsible alarm business has documented, to the Police Chief, 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.

“Controlling person” means all current officers, managers and directors, and any person who is a stockholder, member, general or limited partner or owner, or who hold more than ten percent (10%) of the ownership, management rights, control or claim to the profits of the business. Controlling person does not include current officers, directors or shareholders of stock in any corporation that is traded on a national stock exchange.

“Convicted” means having plead guilty or no contest to a crime, having been found guilty of a crime or having been sentenced for a crime, whether incarcerated, placed on probation, fined or having received a suspended sentence.

“Crime” means any and all felonies, misdemeanors and serious driving offenses, including 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. Crime does not include minor or civil traffic offenses.

“False alarm” means an alarm signal, eliciting a response by the Police Department when a situation requiring a response does not in fact exist. It does not include an alarm signal caused by acts of nature or activation for testing purposes when the Police Department has been given advance notice of such testing or activation caused by the Police Department.

“Licensing Authority” means the Police Chief or an individual designated by the Police Chief to administer, issue, control and review alarm applications, licenses and alarm reports and false alarm reports pursuant to this chapter or the reciprocal alarm licensing ordinance of another state, city or town.

“Medical alert device” means a device designed to help a patient obtain adequate help of the right type during a medical emergency.

“Monitored alarm” means 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.

“Monitoring station” means any person in the business of providing monitoring services that will notify the Police Department of an emergency.

“Panic alarm” means a silent or audible alarm system signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring law enforcement response.

“Person” means an individual, firm, partnership, joint venture, association, corporation, estate, trust, organization or any other group or combination acting as unit, and the plural as well as the singular number.

“Personally financially interested” means, for a corporation, any person who is the beneficial owner of at least fifty percent (50%) of the shares of such corporation; for a noncorporate business, any person who shares in, directly or indirectly, at least fifty percent (50%) of any financial gain attributable to such business as an owner, proprietor or otherwise.

“Primary Alarm License” means a special regulatory license issued by the licensing authority of a city or town that has adopted the reciprocal alarm licensing ordinance to an alarm business that has its headquarters, main office, corporate office or designated branch of the alarm business located within this state and within the borders of such

licensing authority. In the event that an alarm business has its headquarters, main office, corporate office or designated branch in a city or town that does not require the licensing of alarm businesses, the alarm business may apply for a primary alarm business license from any city or town in this State that has adopted the reciprocal licensing ordinance.

“Proprietor alarm” means any alarm or alarm system which is not leased or rented from, or owned or maintained under contract by an alarm business.

“Reciprocal alarm license” means a special regulatory license issued by the licensing authority of a city or town that has adopted the reciprocal alarm licensing ordinance and in which that alarm business conducts business. This license shall be issued only to an alarm business that has a valid primary alarm license from a similar licensing authority within this state that has adopted the reciprocal alarm licensing ordinance.

“Reciprocal alarm licensing ordinance” means an ordinance that is substantially the same in its material terms to the reciprocal alarm licensing provisions codified in this chapter and that is intended by the adopting jurisdiction to be recognized as being reciprocal with alarm licensing ordinances adopted by other cities and towns in this State. Minor or non-material variations that are enacted in a particular city or town to accommodate local conditions or needs shall not affect the reciprocal nature of the ordinance.

21-1-3 Administration

The provisions of this chapter shall be administered in a manner prescribed by the Police Chief.

21-1-4 Alarm Business Duties

In addition to other duties that may be set forth in this chapter, the duties of an alarm business shall be as follows:

A. To install an alarm system compatible with the environment, to take reasonable measures to prevent the occurrence of false alarms; and, if it has agreed to provide maintenance or repair service to the system, to service the system within seventy-two (72) hours of a request for service. The alarm business shall not install a single action non-recessed button as a device to activate a panic alarm.

B. To provide written and oral instructions to each of its alarm subscribers and/or the principal occupants of the buildings or premises protected by an alarm system in the proper use and operation of the system. Such instruction will specifically include all necessary instructions in turning the alarm on and off and in avoiding false alarms.

C. To provide each purchaser and subscriber with a copy of the pertinent provisions of this chapter relating to alarm subscriber duties, an alarm subscriber/proprietor permit application and false alarm assessments and appeal procedures. The alarm business shall complete and sign the alarm subscriber/alarm

company information form with alarm subscriber and submit the form as required in subsection (G) of this section.

D. Upon leasing or renting an audible alarm system:

1. To conspicuously place on the premises a tag identifying the pertinent alarm business including the telephone number to call when the alarm has been activated.

2. To maintain records of the location of these alarm systems, devices or services and the name and telephone number of the person and at least one (1) alternate to be notified whenever the alarm is activated and to readily report such information to the Police Department upon request.

3. To inactivate or cause to be inactivated the audible alarm within thirty (30) minutes of the notification of its activation in the event the primary and alternate cannot be contacted or does not respond.

E. Upon leasing, renting, selling or monitoring an inaudible alarm system:

1. To establish a central receiving station in order to monitor these alarm systems. The central receiving station shall attempt to contact the alarmed location by telephonic or other electronic means on every alarm signal except a holdup, robbery, panic or duress alarm activation, whether or not actual contact with a person is made, before requesting a police response to an alarm system signal.

2. To organize its central receiving station in order to be able to readily and positively identify the type of alarm, i.e. burglary, robbery or panic, and the location of the alarm, if there is more than one (1) system; whether the alarm is audible or silent; the alarm subscriber permit number and the description of the zone or sensor activated and the name and response time of a responsible party.

3. To maintain records as to each of these alarm systems, devices, or services which should include the name of the owner or occupant of the premises, the name and telephone number of the subscriber, a primary person and at least one (1) alternate responsible for responding to the premises when the alarm is activated, information concerning whether the alarm system includes an audible alarm and records of any alarm activation for a period of one (1) year from the date of the activation. The records required by this section shall be made available for inspection to any law enforcement officer of this state or city regulatory licensing inspections official upon twenty (20) days' prior written demand. The business may require the law enforcement officer or inspector to complete an inspection log with name, serial or badge number, time, date and purpose of the inspection.

4. To make notification of activated alarm systems in the manner prescribed by the Police Chief, including such reasonable information concerning the

alarm system as the Police Department may request. Reasonable information shall include copies of central station alarm activity reports, the names of persons from the activated alarm location who have contracted with the alarm business and any mailing or telephonic information for the activated alarm location. The information shall be made available at any time upon request for inspection by the City or Police Department representative.

5. To arrange for either the alarm subscriber, alarm agent or other responsible representative to go to the premises of an activated alarm system within thirty (30) minutes in order to be available to assist the police in determining the reason for activation and securing the premises. In no event shall there be an unreasonable delay in arriving at the location of the alarm. If the police depart the premises prior to this requirement being met and the police are unable to determine the reason for the activation, such activation shall be deemed a false alarm.

6. To notify the alarm subscriber or other responsible person, in the case of a monitored alarm system, of all alarm activations at the alarm subscriber's premises within twenty-four (24) hours of activation, not including weekends or holidays, by telephone, electronic mail, facsimile transmission or written notice deposited in the United States mail.

F. To cease responsibility for an alarm system pursuant to this chapter, the alarm business shall promptly notify the Police Department in the event the alarm business ceases to lease, rent, maintain service or monitor any alarm system. The notice shall be sent within ten (10) days after the date service or responsibility is discontinued.

G. To submit on a form and in the manner prescribed by the Police Chief, such information concerning compliance of the alarm business with its duties under this section as the Police Chief may request. An alarm business representative and the subscriber shall complete and sign the alarm use/alarm company information form, and the alarm business shall submit the form to the Police Department within ten (10) days of commencement of service for the alarm system.

H. Alarm businesses which do not monitor, maintain, service or install alarms or alarm systems shall not be subject to subsections (A) through (G) of this section, but shall be responsible for instructing each person who purchases an alarm system in the proper use and operation of the alarm, informing each alarm subscriber or alarm purchaser to contact the Coolidge Police Department for information regarding this chapter, advising each alarm subscriber or alarm purchaser of the requirement of an alarm subscriber permit and providing a copy of this chapter to each alarm subscriber or alarm purchaser. Such instruction will specifically include all instructions necessary to turn off the alarm and to avoid false alarms. Such instruction will specifically include all necessary instructions in turning the alarm on and off and in avoiding false alarms. Any alarm business that sells an alarm or an alarm system with monitoring services, or leases, rents, installs, maintains or services an alarm or alarm system shall be subject to subsections (A) through (G) of this section.

I. Alarm businesses which monitor but do not sell, lease, rent, install, service or maintain alarms or alarm systems shall not be subject to subsections (A), (B), (C) or (D) of this section.

J. Alarm businesses which sell or install alarms or alarm systems but do not lease, rent, monitor, service or maintain them shall not be subject to subsections (A) or (D) through (F) of this section.

K. An alarm business which violates any provision of this section is guilty of a class 1 misdemeanor.

21-1-5 Alarm Subscriber's Duties

In addition to the other duties that may be set forth in this chapter, the duties of an alarm subscriber shall be as follows:

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

B. To inform persons who are authorized to place the alarm system into operation, of the provisions of this chapter, emphasizing the importance of avoiding false alarms.

C. To apply for an alarm subscriber permit from the Coolidge Police Department.

D. To respond or to make arrangements for an alarm business or other responsible person to respond to the scene of an activated alarm within thirty (30) minutes of the alarm activation, or when requested by law enforcement.

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

F. To disconnect any alarm system upon notice of revocation.

G. To ensure that the alarm system is not subject to false alarms.

H. An alarm subscriber who violates any provision of this section is guilty of a class 1 misdemeanor.

21-1-6 Proprietor Alarm Responsibilities

In addition to the other duties that may be set forth in this chapter, the responsibilities of the owner of a proprietor alarm shall be as follows:

A. To be familiar with the provisions of this chapter and to apply for an alarm subscriber permit from the Coolidge Police Department.

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

C. Upon the purchase of any alarm system, device or service which includes an audible alarm:

1. To notify the Police Department of the name, address and telephone number of the primary person and at least one (1) alternate who should be notified when the alarm is activated.

2. To inactivate or cause to be inactivated the alarm system within thirty (30) minutes of notification of its activation.

D. 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.

E. 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.

F. A proprietor alarm owner who violates any provision of this section is guilty of a class 1 misdemeanor.

21-1-7 Activation for Unauthorized Purposes

It shall be unlawful for any person to intentionally activate any robbery alarm for 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 premises or to intentionally activate any commercial panic alarm for any reason other than to signal a life threatening or emergency situation requiring law enforcement response.

21-1-8 Shutting Off After Sounding Alarm

No person or business who 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 thirty (30) minutes.

21-1-9 Prohibition Against Automatic Dialing Devices

No person shall use or cause to be used any automatic telephone device or telephone attachment that directly or indirectly causes a primary telephone trunk line of

Pinal County to be utilized, and then reproduces a prerecorded message or signal or otherwise maintains an open line without direct person-to-person communication, or prevents termination of a call.

21-1-10 Confidentiality

Information provided pursuant to this chapter shall be maintained for use by the police department, and shall not be made available to the public without the authorization of the applicant or order of the Court. The City is not subject to liability in the event that information provided to the police department is inadvertently released.

21-2 LICENSES AND PERMITS

- 21-2-1 License Required
- 21-2-2 Types of Licenses; Reciprocity
- 21-2-3 Application
- 21-2-4 Fees
- 21-2-5 Issuance Standards
- 21-2-6 Issuance; Expiration; Renewal
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- 21-2-10 Nontransferability; Temporary Licenses
- 21-2-11 Revocation or Suspension
- 21-2-12 Appeal from Denial, Revocation or Suspension of License
- 21-2-13 Application After Denial or Revocation of License
- 21-2-14 Termination and Cancellation of License; Notice
- 21-2-15 Alarm Subscriber Permits

21-2-1 License Required

A. It shall be unlawful for any person to engage in, conduct or carry on an alarm business within the corporate limits of the City without first having obtained a license pursuant to this chapter. Each and every alarm involved in the alarm business shall constitute a separate offense under this subsection.

B. It shall be unlawful for any person to engage in, represent himself or herself to be, or operate as, an alarm agent within the corporate limits of the City without first having obtained a license pursuant to this chapter. Each day that a person engages in or operates as an alarm agent and each time that a person represents himself or herself to be an alarm agent shall constitute a separate offense.

C. A separate license is required for each business name under which an alarm business conducts business or advertises. In the event that the Licensing Authority has reasonable cause to believe that an alarm business does not have a valid alarm business license as required by this chapter, or that a person is engaged in the alarm

business without a valid alarm business license, the Licensing Authority or its designee, shall issue a warning to the alarm business stating that it is in violation of the provisions of this chapter. The warning shall direct the alarm business to apply for an alarm business license within ten (10) days of the date of the warning. The alarm business receiving such a notice shall not engage in the alarm business until an alarm business license is issued pursuant to this chapter.

D. The administration of this chapter, including the duty of prescribing forms, is vested in the Licensing Authority. License applications made pursuant to this chapter shall be submitted to the Licensing Authority, which shall have the authority to issue, deny, suspend or revoke a license in accordance with the provisions of this chapter.

E. The license required by this chapter shall be in addition to any other licenses or permits required by the City, County or State in order to engage in business. Persons engaging in activities described in this chapter shall comply with all other ordinance and laws, including the City zoning laws, as may be required to be engaged in the business to be licensed. Failure of any applicant or licensee, as applicable, to meet the requirements of this subsection shall be grounds for denial, suspension or revocation of a license.

F. All licenses issued pursuant to this chapter shall be for the remainder of the calendar year and shall be renewable annually, as specified in 21-2-6.

G. Upon written request and the payment of the fee, as established by resolution, the Licensing Authority shall issue a duplicate license to a licensee whose license has been lost, stolen or destroyed.

H. It shall be unlawful for an alarm business to use or to contract with any person for purposes of using the service of an unlicensed alarm business or unlicensed alarm agent.

21-2-2 Types of Licenses; Reciprocity

A. The types of licenses that may be issued pursuant to this chapter are as follows:

1. *Primary Alarm License.* A primary alarm license may be applied for by an alarm business that is physically located within this City, in a jurisdiction that has not adopted this reciprocal alarm license ordinance or in a jurisdiction outside of this State.

2. *Reciprocal Alarm License.* An alarm business, whether physically located within or outside this State, that has a valid primary alarm license issued by a jurisdiction within this State that has adopted the reciprocal alarm license ordinance, shall be entitled to the issuance of a reciprocal alarm license upon compliance with the requirements of this chapter.

3. *Alarm Agent License.* A person desiring to engage in the business or occupation of alarm agent shall apply for a receive an alarm agent license from the jurisdiction that issues the primary alarm license for the alarm business for which the alarm agent is or will be working. A person holding a valid alarm agent license, who desires to work for an alarm business holding a reciprocal alarm license, does not have to obtain a separate alarm agent license, but shall provide a copy of his or her license, upon request, to the jurisdiction in which the reciprocal license has been issued.

21-2-3 Application

A. The application for the license required by the provisions of this chapter shall be submitted to the Licensing Authority utilizing such format as may be prescribed by the Police Chief.

B. The application for an alarm business license shall include:

1. The name, address and telephone number of the alarm business. If the applicant is a corporation, general or limited partnership, limited liability company or other legal entity, the name of the applicant shall be set for the exactly as show in its current Articles of Incorporation, Charter, Certificate of Limited Partnership, Articles of Organization or other organizational documents, as applicable, together with the state and date of incorporation and the names, residence addresses and dates of birth of each controlling person. In one or more of the partners, members or shareholders of the applicant is a corporation or other legal entity, the provisions of this subsection relating to information required of a corporation shall apply.

2. In the event that the applicant is a corporation, general or limited partnership, limited liability company or other legal entity, the applicant shall designate one of its officers, general partners or members 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. The applicant shall provide a copy of their corporation, partnership or limited liability company formation documents.

3. For the applicant and each controlling person:

- a. Name;
- b. Any alias or other name used by which the person was previously known; and
- c. Current residency and business address, telephone numbers, including fax and email addresses; if applicable.

4. Names, addresses and license number of the alarm agents employed by the alarm business and copies of the alarm agents licenses.

5. A business telephone number at which each alarm agent may be reached.
6. The required application fee.
7. The residence and business address of the applicant and each controlling person for the five (5) year period immediately preceding the date of filing of the application and the inclusive dates of each such address.
8. Proof that the applicant and each controlling person 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.
9. Height, weight, color of eyes and hair and date of birth of the applicant and each controlling person.
10. The employment history of the applicant and each controlling person for the five (5) year period immediately preceding the date of the filing of the application.
11. Information as to whether the applicant or any controlling person, or the business on behalf of which the license is being applied for, 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 reason for the revocation, cancellation or suspension.
12. Whether or not the applicant or any controlling person 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. An applicant or controlling person shall also answer "yes" to this question, even though he or she has not been convicted of a crime, if the applicant or controlling person is presently pending trial or other court proceeding for a crime.
13. For initial applications for primary alarm business licenses only, one full set of fingerprints on fingerprint cards for the applicant and each controlling person. 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.
14. Copies of the State of Arizona Registrar of Contractor's C-11, C-12 or L-67 License, as applicable, or a copy of the K-67 License for combined residential and commercial, issued to the alarm business applicant, and a copy of the State of Arizona Transaction Privilege Tax License and City of Coolidge Transaction Privilege Tax License, if applicable.
15. 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.

16. A copy of a valid primary alarm license if the application is made for an original or renewal reciprocal alarm license.

17. Such other information, evidence, statements or documents as may be deemed by the licensing authority to be reasonably necessary to process and evaluate the application or renewal.

18. A listing of all alarm subscribers that have an alarm system operating within the boundaries of the City must be supplied to the Licensing Authority upon request.

C. Applicants for primary or reciprocal alarm licenses or applicants for renewal of any such licenses, shall notify the Licensing Authority, in writing, of any change in the information contained in the license application or renewal application. Notification shall be given to the Licensing Authority within fifteen (15) days of the occurrence of the change.

D. The application for alarm agent license shall include:

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

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

3. Whether or not the applicant has been convicted of a crime.

4. 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.

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

6. Information as to whether, in this City or elsewhere, 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.

7. One full set of fingerprints on fingerprint cards, or fingerprint data.

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.

8. The applicant's business, occupation and employment history for the five (5) year period immediately preceding the date of filing the application.

9. Such other information, evidence, statement or documents as may be deemed by the licensing authority to be reasonably necessary to process and evaluate the application or renewal.

10. The required application fee.

E. Applicants for alarm agent licenses, or applicants for renewal of such licenses shall notify the Licensing Authority, in writing, of any change in the information contained in the license application or renewal application. Notification shall be given to the Licensing Authority within fifteen (15) days of the occurrence of the change.

21-2-4 Fees

A. The application and license fees for licenses issued under this chapter shall be set by resolution.

B. Each applicant for a license shall submit a full set of fingerprints to the City of Coolidge for the purpose of obtaining a State and Federal criminal records check pursuant to A.R.S. §41-1750, as amended, and Public Law (PL) 92-544. The Arizona Department of Public Safety (DPS) is authorized to exchange this fingerprint data with the Federal Bureau of Investigation. In addition to any other fees imposed under this chapter, an applicant for a license issued under this chapter shall pay an amount necessary to cover the costs of Federal fingerprint processing or federal criminal history record information checks. The specific amount of such additional fee shall be set by resolution based upon information received from DPS as to the cost of the fingerprint processing and record information checks. The additional fee collected pursuant to this subsection shall be transmitted to DPS as required by A.R.S. §41-1750, as amended.

C. No application fee or fingerprinting fee paid pursuant to this chapter shall be returned to an applicant if his or her application is withdrawn or denied. No license fee paid pursuant to this chapter shall be returned to a licensee if his or her license is revoked or suspended.

21-2-5 Issuance Standards

A. The Licensing Authority will issue a license provided for by this chapter to an applicant, or renew a license, if applicable, when the following conditions of the applicable licensing provisions have been fully satisfied:

1. All application requirements have been met, including any criminal history background checks and fingerprint requirements.

2. All fees have been paid in full.

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

B. No person shall be licensed under this chapter if such person:

1. Knowingly makes any false or misleading statement in the course of applying for or renewing a license; 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.

2. Has been previously convicted of a felony or a misdemeanor involving fraud, theft, dishonest, moral turpitude, physical violence, assault, indecent exposure, illegal use or possession of a deadly weapon, or a violation of Arizona Revised Statutes Title 13, Chapter 34 (drug offenses), or offenses committed in another jurisdiction, which if committed in Arizona would constitute one of the crimes listed in this subsection within five (5) years from the date that the application is submitted.

3. Lacks good moral character.

4. Is under the age of eighteen (18) years.

5. Has had a license relating to alarm business or agents, as applicable, or a license of similar character, issued by the city of another authority, suspended, canceled or revoked within the five (5) year period immediately preceding the date of filing of the application.

6. 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.

7. Has violated a provision of this chapter, or has committed any act which, if committed by a licensee, would be grounds for denial or revocation of a license pursuant to this chapter.

C. No applicant shall be licensed under this chapter if any of the following persons would be disqualified from being licensed under subsection (B):

1. The president of an applicant which is a corporation, if he or she is an Arizona resident;

2. Each general partner of an applicant which is a partnership;

3. The managing officer or agent for the in-state operations of the applicant;
4. Any person financially interested in the applicant; or
5. Each managing member of a limited liability company, or if there are no designated managing members, all members.

D. No license shall be issued under this chapter to an applicant if the Police Chief determines that, due to the nature and location of the applicant's proposed business, the operation of such business is likely to create unreasonable unsafe conditions or to unreasonably increase existing unsafe conditions in the surrounding neighborhood.

E. Notice shall be given of any denial of a license 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 license of license renewal.

21-2-6 Issuance; Expiration; Renewal

A. Any license issued under this chapter shall be valid only for the calendar year for which it is issued. Each license expires on December 31 of each year and must be renewed on or before January 31 of the following year by filing an application for renewal and paying the applicable renewal fee. The application and payment for renewal must be received by the Licensing Authority by January 31 to be deemed timely filed.

B. A person who initial license is issued after March 31 of any year shall be subject to an initial license fee on a prorated basis as follows:

<u>Business Start Date</u>	<u>Proration of License Fee</u>
April 1-June 30	75%
July 1-September 30	50%
October 1-December 31	25%

The applicable proration percentage shall be applied to the annual license fee set by resolution to determine the initial license fee.

C. Any person who fails to renew a license by January 31 of any year and who conducts any activity covered by such license after such date shall be deemed to be operating without a license, shall be subject to all penalties imposed under this chapter against person unlawfully operating without a license, and shall be subject to a penalty of fifty percent (50%) of the annual license fee which would have been imposed on the date on which the license expired in addition to payment of the applicable license fees. All license fees and penalties owed by a person pursuant to this subsection must be paid before a new license is issued to such person.

D. Any person who is required to obtain a license under this chapter and fails to do

so prior to conducting any activity covered by such license shall be subject to a penalty of fifty percent (50%) of the annual license fee which would have been imposed on the date on which such activities commenced in addition to payment of the applicable license fee. All license fees and penalties owed by a person pursuant to this subsection must be paid before a new license is issued to such person under this chapter.

E. No license issued under this chapter shall be renewed unless the license is in compliance with all provisions of this chapter at the time of renewal.

21-2-7 Identification Cards

The Licensing Authority shall issue to each alarm agent an identification card containing a current photograph of the alarm agent. Each identification card shall expire on December 31 of the year in which it is issued, and the alarm agent shall obtain a new identification card on or before January 31 of the following year, by paying the license fee, unless licensed pursuant to 21-2-2(A)(3).

21-2-8 Display of License and Identification Cards

A. A copy of the alarm business license shall at all times be conspicuously displayed at the central station or main office of the alarm business.

B. At all times that a person is acting as an alarm agent within the City, such person shall carry on his or her person a valid alarm agent license and identification card. An alarm agent shall display his or her license and identification card upon request to any police officer, law enforcement official or City official whose duties are related to licensing.

21-2-9 Duty to Ensure Compliance by Alarm Agents

A. An alarm business shall not allow any of its employees to work as an alarm agent until such person has displayed to the alarm business a valid alarm agent license and identification card. An alarm business shall require that all persons employed as alarm agents maintain current alarm agent licenses and identification cards at all times that such person work for the alarm business. On or before January 31 of each year, the alarm business shall verify with each alarm agent that such alarm agent has renewed his or her alarm agent license and identification card.

B. An alarm business shall not allow any person who contracts with the alarm business to perform, on behalf of the alarm business, any services for which an alarm agent license is required until such person has displayed to the alarm business a valid alarm agent license and identification card. An alarm business shall require all persons so contracting with the alarm business to maintain current alarm agent licenses and identification cards at all times that such persons perform services for which an alarm agent license is required on behalf of the alarm business.

21-2-10

Nontransferability; Temporary Licenses

A. No license issued under this chapter shall be transferable between persons or locations.

B. Except as provided in subsection (C) of this section, upon the termination of an alarm agent's employment with an alarm business, the alarm agent shall surrender his or her alarm agent license and identification card to such business. The alarm business shall mail or deliver the alarm agent license and identification card to the Licensing Authority within fifteen (15) days of such surrender. If the alarm agent fails to surrender his or her alarm agent license and identification card to the alarm business, the alarm business shall give notice to the Licensing Authority within fifteen (15) days of such termination that the alarm agent's employment has been terminated and that the alarm agent has failed to surrender his or her license and identification card.

C. If the alarm agent terminates his or her employment with an alarm business for the purpose of transferring employment to another alarm business, such person shall surrender his or her license as provided in subsection (B) and shall advise the Licensing Authority of his or her intentions. The Licensing Authority shall issue the alarm agent a temporary license until such time as a new license is issued to the alarm agent. Both the temporary and new license will be issued to the alarm agent without charge.

21-2-11

Revocation or Suspension

A. The Licensing Authority may suspend any license issued under this chapter for a specified period not to exceed sixty (60) days, or revoke such license, for any of the following reasons:

1. Failure to maintain good moral character;
2. Conviction of the licensee of a felony involving dishonest, deceit, theft, assaultive conduct or sexual misconduct;
3. When the licensee has knowingly made any false or misleading statement in any report or record required to be made or kept under this chapter; or
4. Any other violation of this chapter.

B. The Licensing Authority shall give written notice of the revocation or suspension to the licensee, which statement shall contain the reasons for the revocation or suspension and, if applicable, the length of the suspension. Such notice shall be personally served on the licensee or mailed to the licensee's last known address. Service of the notice shall be deemed complete upon mailing.

C. The licensee may request an informal hearing on such revocation or suspension

by submitting a written request to the Licensing Authority within ten (10) days after the notice of revocation or suspension is given. An informal hearing before the Licensing Authority shall be held within fifteen (15) days after the request for the same is received by the Licensing Authority. If the licensee does not request a hearing within said ten (10) day period, the revocation or suspension shall take effect on the eleventh day after service of the notice of revocation or suspension. If a hearing is requested, the revocation or suspension shall not take effect until after the informal hearing and service on the licensee of the new notice from the Licensing Authority setting forth the Licensing Authority's final decision. Such notice shall be personally served on the licensee or mailed to the licensee's last known address. Service of the notice shall be deemed complete upon mailing.

21-2-12 Appeal from Denial, Revocation or Suspension of License

A. A person who has been denied a license or whose license has been revoked or suspended after an informal hearing with the Licensing Authority may appeal such decision a hearing officer. The appeal shall be requested within ten (10) days from the date on which such person is given notice of the determination from which the appeal is taken. The request shall be in writing, shall be filed with the City Manger and shall set forth specifically the grounds for such appeal.

B. The City Manager shall appoint a hearing officer to conduct a hearing in accordance with this section. The hearing officer shall not be a member of the Licensing Authority. The hearing officer may, in his or her discretion, stay any revocation or suspension pending final determination of the appeal.

C. The burden of proof at the hearing shall be on the applicant or licensee to establish, by a preponderance of the evidence, that he or she meets all the requirements for holding a license under this chapter. The hearing officer shall hear such testimony and consider such evidence as is relevant to the determination of such issues. The hearing officer shall not be bound by technical rules of evidence or procedure in conducting the hearing.

D. The hearing officer shall render a written decision within thirty (30) days after the hearing is concluded based on the evidence presented by the City and the applicant or licensee. The decision of the hearing officer shall be final.

21-2-13 Application after Denial or Revocation of License

No person, association firm, corporation or other legal entity may apply for any license required under this chapter for one (1) year from the denial of any such license to such applicant or from the non-renewal or revocation of any such license, unless the cause of such denial, revocation or non-renewal has been, to the satisfaction of the Licensing Authority, 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 non-material reason.

21-2-14 Termination and Cancellation of License; Notice

A. An alarm agent who terminates employment with an alarm business shall immediately surrender his or her alarm agent license to the Licensing Authority.

B. An alarm agent who terminates his employment with an alarm business to change employment to another alarm business licensee shall notify the licensing authority of the transfer, in writing, within fifteen (15) days of the change of employment.

C. An alarm business may cancel an alarm business license by filing a notice of cancellation of the license with the Licensing Authority. The notice of cancellation shall include the effective date of the cancellation. In the event of the cancellation of a primary alarm business license, notice shall be given to all jurisdictions in which reciprocal alarm business license have been issued and are active. Reciprocal alarm business licenses shall be cancelled as of the effective date of the cancellation of the primary alarm business license, unless the licensee requests that the license be canceled sooner.

21-2-15 Alarm Subscriber Permits

A. Every alarm subscriber and proprietor alarm owner shall apply for and receive an alarm subscriber permit from the Licensing Authority. Application shall be made with the Licensing Authority for the permit within ten (10) days of the installation date of a new alarm system. Alarm subscriber permits will be on forms approved by the Licensing Authority. An alarm subscriber permit is valid for one (1) year and may be renewed for additional one-year periods on application. An alarm subscriber permit shall be kept within the premises protected by the alarm and shall be available for inspection by the Police Department. Permits are not transferable from one subscriber or proprietor to another subscriber or proprietor, or from one address to another address. A separate permit is required for each address.

B. Alarm systems that are operated by the City, County, State or Federal government and installed on premises which such entity occupies or uses for governmental purposes shall not be subject to this chapter. However, such entity shall apply for and obtain a permit for each such alarm system it operates.

C. If an alarm subscriber has multiple systems at one location, an alarm subscriber permit is required for each system. For the purpose of this chapter:

1. The tenant of an apartment or other rental property who installs, purchases or rents an alarm system shall be deemed to be the alarm subscriber.
2. The owner of an apartment or other rental property that has an existing

alarm system shall be deemed to be the alarm subscriber. Each apartment unit shall be considered a separate address. The common areas or offices of the apartment complex will be considered one address.

D. When the Police Department has recorded an alarm for a subscriber or proprietor alarm owner who has not applied for an alarm subscriber permit in accordance with the provisions of this chapter:

1. The Licensing Authority shall send the alarm subscriber or proprietor alarm owner and the alarm business that called in the alarm to the Police Department a warning stating that they are in violation of the provision of this chapter. The warning will direct the alarm subscriber or proprietor alarm owner to apply for the alarm subscriber permit within ten (10) days of the date of the warning. The warning shall notify the party that the failure to obtain the alarm subscriber permit shall result in an assessment of a service fee, in an amount established by resolution, per alarm activation for each alarm which occurs while the alarm system is operated without an alarm subscriber permit. The service fee will be in addition to any false alarm fee assessed pursuant to section 21-3-3.

2. If the alarm subscriber or proprietor alarm owner applies for an alarm subscriber permit as required, the service fee assessment per alarm will not be imposed. If the alarm subscriber or proprietor alarm owner fails to apply for the alarm subscriber permit within ten (10) days of the date of the warning, the Licensing Authority shall notify the alarm subscriber or proprietor alarm owner that the applicable service fee will be assessed for each alarm which occurs while the system is operated without an alarm subscriber permit.

3. The alarm subscriber or proprietor alarm owner may, within twenty (20) days of the date of the mailing of the notice, appeal the initial assessment to the Licensing Authority by filing a petition with the Licensing Authority. The petition shall contain specific defenses, if any, to show why the assessment should not be imposed against the alarm subscriber or proprietor alarm owner.

4. Any petition submitted pursuant to subsection (3) of this section shall be filed with the Licensing Authority within the time specified. If the petition is not timely filed, any notified party shall be deemed to have waived the right to any further review or hearing as provided herein and the service fee assessment shall be final.

5. If a petition is timely filed pursuant to subsection (3) of this section, the Licensing Authority shall review the specific defenses set forth in the petition. If it is determined that a valid defense to the initial assessment has been set forth, a notice will be sent to the alarm subscriber or proprietor alarm owner informing them that the initial assessment is reversed. The notice shall include specific findings and conclusions.

6. If the Licensing Authority determines that a defense to the initial assessment has not been set forth, a notice shall be sent by mail to the alarm subscriber or the proprietor alarm owner informing them that the initial assessment is upheld. The notice of

decision shall include specific findings and conclusions. The decision is subject to appeal pursuant to section 21-3-4.

7. An alarm subscriber or proprietor alarm owner who fails to apply for an alarm subscriber permit as required by subsection (A) of this section shall be assessed a service fee, in an amount established by resolution, for each alarm activation to partially cover the costs of the police response while the alarm or alarm system is operated without an alarm subscriber permit. The alarm subscriber or proprietor alarm owner shall tender the assessed service fee within twenty (20) days of a final determination of assessment pursuant to this section or section 21-3-4. If the alarm business did not comply with section 21-1-4(G) and submit the required form, the alarm business shall be assessed the service fee. In the event the assessed service fee is not tendered, the unpaid balance of the assessment will be subject to a charge of one and one-half percent (1.5%) per month, compounded monthly.

8. It shall be unlawful and a class 1 misdemeanor for an alarm subscriber or proprietor alarm owner to operate an alarm system without a valid alarm subscriber permit issued in accordance with the provision of this chapter.

21-3 FALSE ALARMS

- 21-3-1 Grace Period
- 21-3-2 Warning Notice
- 21-3-3 Police Reviews and Penalties
- 21-3-4 Appeals

21-3-1 Grace Period

A. Newly installed and reinstalled alarm systems shall not be subject to the provisions of this chapter relating to the counting and assessment of false alarms for a period of thirty (30) days from the date the alarm system becomes operational.

B. The grace period provided in subsection (A) of this section shall apply only if the alarm business or proprietor alarm owner notifies the Licensing Authority in writing within ten (10) days of the completion of the installation or reinstallation. The written notice shall specify the date the system was installed or reinstalled. For reinstalled alarm systems, the notice shall also describe the nature and extend of the reinstallation.

21-3-2 Warning Notice

When any alarm system generates a false alarm, the Police Department shall send a warning notice to both the alarm subscriber and alarm business or the proprietor alarm owner that one (1) subsequent false alarm within a three hundred sixty-five (365) day period will subject the notified party to the sanctions as provided herein.

Police Review and Penalties

A. Any alarm system which has two (2) or more false alarms within a consecutive three hundred sixty-five (365) day period shall be subject to assessment as provided herein.

B. If the Police Department records two (2) or more false alarms within a consecutive three hundred sixty-five (365) days period:

1. The Police Department shall notify both the alarm subscriber and alarm business or the proprietor alarm owner by electronic mail or postal mail of the Police Department's initial notice of assessment of false alarm service fees and of the amount of the assessed service fees. The alarm subscriber and alarm business or the proprietor alarm owner, within twenty (20) days of the date of the notice, shall pay or may appeal to the Licensing Authority by filing a petition with the Licensing Authority. The petition shall contain and explain specific defenses to the assessment. Affirmative defenses to a false alarm assessment may include evidence that a false alarm was caused by an act of nature, common cause, action of the telephone company, telephone line outage, power outage lasting longer than the life of a fully charged battery, or other extraordinary circumstances not reasonably subject to control by the alarm business, alarm subscriber or proprietary alarm owner.

2. The petition submitted pursuant to subsection (1) of this section shall be received by the Licensing Authority within the time specified. If the petition is not timely submitted, any notified party shall be deemed to have waived his right to any further review or hearing as provided herein and the alarm business and alarm subscriber or the proprietor alarm owner operating the alarm system generating the false alarms will be assessed pursuant to subsection (5) of this section.

3. If the petition pursuant to subsection (1) of this section is submitted, the Licensing Authority shall review the specific defenses, if any, set forth in the petition to the initial determination of false alarms. If it is determined that a valid defense to the initial determination of false alarm has been accepted, a notice will be sent by electronic mail or postal mail to all notified parties that no assessment will be made for that particular alarm. The notice shall specifically set forth the finding and conclusions of the Licensing Authority with respect of the petition submitted.

4. If the Licensing Authority determines that a defense to the initial determination of false alarms has not been alleged or accepted, a notice shall be sent by electronic mail or postal mail to both the alarm subscriber and alarm business or proprietor alarm owner that they will be assessed pursuant to subsection (5) of this section. The notice of decision shall contain the specific findings and conclusions of the Licensing Authority with respect to the review of the report submitted.

5. Assessments imposed pursuant to subsections (1) and (4) of this

section shall be in an amount established by resolution. The alarm subscriber and the alarm business shall, except as provided in Section 21-3-4(F), 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 assessment imposed upon a proprietor alarms system.

6. Assessments imposed under subsections (1) and (4) of this section shall be in addition to any service fee imposed pursuant to Section 21-2-14, if the alarm subscriber has not obtained a permit.

C. Upon final determination of assessment pursuant to this chapter for the second (2nd) and any subsequent false alarm within a consecutive three hundred sixty-five (365) day period, the responsible party shall tender the fee assessed within ten (10) days of the date ordered or discontinue operation of the alarm system. In the event the operation of the alarm system is not discontinued and the assessment not tendered, its continued operation by the alarm subscriber, alarm business or proprietor alarm owner is unlawful. Each day past ten (10) days after the date ordered that the operation of the alarm system is not discontinued and assessment is not tendered shall constitute a class 1 misdemeanor.

D. Upon final determination of assessment pursuant to this chapter for the tenth (10th) false alarm within a consecutive three hundred sixty-five (365) day period, it shall be unlawful to operate the alarm system in such a manner that results in any subsequent false alarms within a ninety (90) day period from the date of receipt of the final determination for the tenth (10th) false alarm. Every such false alarm within such ninety (90) day period from the receipt of final determination for the tenth (10th) false alarm shall be a class 1 misdemeanor. In addition to this remedy, the City may also pursue an injunction through the Pinal County Superior Court with all costs of such suit to be borne by the alarm business and alarm subscriber or proprietor alarm owner, as the case may be.

21-3-4 Appeals

A. Any party aggrieved by a decision of the Licensing Authority made pursuant to section 21-3-3, subsection (B)(3) or (B)(4) may, within ten (10) days of receipt of notice of the decision, appeal to a hearing officer so designated by the City Manager. A copy of the appeal request shall be sent to the Licensing Authority.

B. The request for an appeal shall set forth the specific objections to the decision of the Licensing Authority which form 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 proceeding shall be conducted as an informal process. 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 Licensing Authority.

E. The decision of the hearing officer shall be based upon the evidence presented and it shall:

1. Affirm the decision of the Licensing Authority, in which case, any assessment imposed shall be sustained; or

2. Reverse the decision of the Licensing Authority, in whole or in part, in which case, the hearing officer shall, in his or her discretion, determine the amount of the assessment.

F. When the decision of the Licensing Authority is affirmed in appeals involving an alarm subscriber and alarm business licensee, the hearing officer may designate the alarm subscriber or the alarm business licensee as solely responsible for the payment of the assessment.

G. The decision of the hearing officer is final.