

TOWN OF CAREFREE, ARIZONA

ORDINANCE 2014-01

AN ORDINANCE OF THE TOWN OF CAREFREE, ARIZONA, AMENDING ARTICLE 5-4 OF THE TOWN CODE OF THE TOWN OF CAREFREE, ARIZONA, REGULATING THE ACTIVITIES AND RESPONSIBILITIES OF THOSE PERSONS WHO PURCHASE, RENT, OR USE ALARM SYSTEMS DEVICES OR SERVICES, SECTION 5-4-1 THROUGH 5-4-10 TO THE TOWN CODE OF THE TOWN OF CAREFREE AND PROVIDING FOR THE REPEAL OF ORDINANCE 99-05 AND ANY AND ALL CODE PROVISIONS AND ORDINANCES IN CONFLICT, AND DIRECTING THE TOWN CLERK OF THE TOWN OF CAREFREE TO INCORPORATE THIS AMENDMENT INTO THE TOWN OF CAREFREE TOWN CODE.

BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAREFREE, MARICOPA COUNTY, ARIZONA, that:

Section 5-4-1 through Section 5-4-10 is hereby added to Title 5, Health and Safety, of the Town Code of the Town of Carefree as follows:

Article 5-4 REGULATING THE ACTIVITIES AND RESPONSIBILITIES OF THOSE PERSONS WHO PURCHASE, RENT, OR USE ALARM SYSTEM DEVICES OR SERVICES

Section 5-4-1 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 to 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 - means any activation of an alarm not caused by or as a result of a criminal act, fire, unauthorized entry, or act of nature except for activation when the Fire or Sheriff's Departments have been given advance notice of such testing or activation caused by the Fire or Sheriff's Departments.
- G. Fire Alarm System - means an alarm system designed to detect, and cause to be reported to the Fire Department or Emergency Communications Center, a fire alarm condition. "Fire Alarm System" does not include single station detectors or outside audible alarm-sounding devices not connected to a central monitoring station.
- 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.

Section 5-4-2 Alarm User Responsibilities

The user 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 article; and emphasizing the importance of avoiding false alarms. The operator shall maintain the alarm equipment in proper working order at all times so as to minimize the occurrence of false alarms.

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

The user shall post or provide to persons authorized to place the alarm system or device, into operation the phone numbers for:

1. Town Sheriff's Department and Fire Department.
2. The alarm business twenty-four hour service number.

The user shall inactivate or cause to be inactivated the alarm system within fifteen (15) minutes of notification of its activation.

Section 5-4-3 Regulations

- A. It shall be unlawful for any person to intentionally activate any burglar, robbery, fire or panic alarm; except to warn of a fire, criminal act or unauthorized entry in or into an alarm protected premises. This subsection shall not apply to the

testing of an alarm system when the Fire or Sheriff's Departments have 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 telephone number, or any Town of Carefree telephone number and then reproduces any pre-recorded message or signal.

Section 5-4-4 Penalty

- A. When an alarm system generates two (2) false alarms within a calendar year, the Code Enforcement Officer shall send a warning notice to the alarm user that two (2) subsequent false alarms within said period will subject the notified party to the sanctions as provided herein.
- B. Any alarm system which has four (4) or more false alarms within a calendar year, shall be subject to penalty assessments as hereinafter provided:

If the Code Enforcement Officer records four (4) false alarms within a calendar year for any alarm system, the Code Enforcement Officer or a designee shall notify the alarm user by certified mail of such fact. The Code Enforcement Officer or a designee shall direct that the alarm user within ten (10) days of receipt of the notice of excessive false alarms, to pay a penalty assessment to the Town of Carefree in the sum of One Hundred Dollars (\$100.00). The alarm user shall be required to pay a penalty assessment of Two Hundred and Fifty Dollars (\$250.00) for each subsequent false alarm within the same calendar year.

In the event the assessment is not tendered within ten (10) days of receipt of notice, the unpaid balance will be subject to a charge of one and one half percent (1.5%) interest per month, in addition to the assessment.

- C. A report from the Fire or Sheriff's Departments documenting a response to an alarm which revealed no evidence of a fire, criminal act or unlawful entry shall constitute prima facie evidence of a false alarm.
- D. Evidence that a false alarm was caused by an act of nature, common cause or action of the telephone Company may be presented as a defense to the counting of such an alarm as a false alarm.

Section 5-4-5 Penalty Assessment Appeal

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 (10) days of receipt of such penalty. The request shall be filed, in writing, with the Town Code Enforcement Officer or designee.

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

In the event that the Town Code Enforcement Officer or designee finds that grounds exists justifying relief from the penalty assessment, the alarm user shall not be responsible for payment.

Section 5-4-6 Grace Period

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 (30) days from the date the alarm system becomes operational if the alarm owner notifies the Code Enforcement Officer 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 and if reinstalled, the notice shall also describe the nature and extent of the reinstallation.

Alarm installation companies shall provide written notice to owner of the requirement to give the Town of Carefree written notice of installation and reinstallation.

Section 5-4-7 Exemptions

The provisions of this Ordinance shall not be applicable to audible alarms affixed to automobiles and audible fire or burglar alarms which are not connected to a central monitoring station.

Section 5-4-8 Liability of the Town of Carefree

The Town of Carefree shall not be liable for any failure or neglect of an appropriate or timely response by any fire, sheriff or emergency personal or their assigns.

Section 5-4-9 Severability

If any subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 5-4-10 Repeal


All ordinances, parts of ordinances and parts of the Town of Carefree Code in conflict heroin are repealed to the extent of such conflict.

This amendment shall be incorporated into Article 5-4 of "The Town Code of the Town of Carefree, Arizona."

BE IT FURTHER ORDAINED that the Town Clerk of the Town of Carefree incorporate the Amendment set forth herein into the Town Code of the Town of Carefree, Arizona.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Carefree, Maricopa County, Arizona, this 3rd day of June, 2014.

6 AYES 0 NOES 0 ABSTENTIONS 1 ABSENT



David Schwan, Mayor

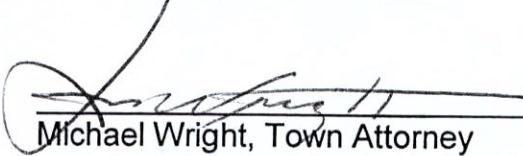
Date signed: 6/3/14

ATTEST:



Kandace French, Town Clerk

APPROVED AS TO FORM:



Michael Wright, Town Attorney

TOWN OF CAREFREE, ARIZONA