

CITY COUNCIL REPORT



Meeting Date: January 23, 2024
General Plan Element: ***Public Services & Facilities***
General Plan Goal: ***Provide services to improve neighborhoods and the lives of Scottsdale residents***

ACTION

Adopt Ordinance 4624. Adopt Ordinance 4624 to allow for users to apply online using the submission of the application as an electronic signature. The changes will also remove the responsible representative information and contain a list of the required information for an alarm application.

BACKGROUND

The City's Alarm Systems Ordinance was originally adopted in 1994. Chapter 3, Alarm Systems, was last updated in 2022. That update removed obsolete provisions due to changes to Arizona State Statutes regulating the alarm industry. Ordinance 4624, will update code provisions to better align with the current use of electronic applications submissions, remove the responsible representatives and contain a list of required information for an alarm user. The primary purpose of this update is to streamline the processing of alarms, allow electronic submission and remove unnecessary information.

During the past decade the communication methods preferred and used by citizens has largely moved away from paper mailings and are in favor of e-mails. Allowing the customer to apply for an alarm user application online and emailing notifications instead of mailing will save money for the city by reducing the need for some of the paper, envelope, and postage costs. The intent of this change is to continue to transition to more electronic communication methods.

Currently all notifications are sent via mail, with these updates it will allow customers to apply and receive monthly notifications via e-mail. These communications are intended to keep alarm permit holders up to date on the fees they are (or may be) incurring. This ordinance will streamline the application process and allow the alarm permit holder to see up to date fees.

ANALYSIS & ASSESSMENT

Recent Staff Action

Ordinance 4624 has been compiled through input from Business Services' staff and management, and the City Attorney's office. There are no fee increases included in this revision.

Action Taken Approved on Consent

Policy Implications

The changes outlined in Ordinance 4624 (Chapter 3, Alarm Systems), will allow for users to apply for an alarm user permit online, receive electronic notifications and remove the required responsible representative information that is no longer used. The changes will be implemented in the licensing database and are intended to streamline the alarm permit process. Overall policy will not be changed.

RESOURCE IMPACTS

Available funding

The technical staff assigned to Business Services will make the database changes necessary to implement this update. The updates to the system will be performed as part of their routine job duties and will not require additional funding.

Staffing, Workload Impact

This change will allow users the ability to apply for an alarm permit online, which will reduce staff workload by not having to enter applications manually. Removing the responsible representative and including electronic notifications will simplify the application process for the customer, thus minimizing phone calls.

Future Budget Implications

Future budgets may be positively impacted by the reduction in mailing supplies and postage costs.

STAFF RECOMMENDATION

Recommended Approach

Staff recommends approval of this Ordinance update which will allow the user to apply for an alarm permit online, receive email notifications and remove no longer applicable information.

RESPONSIBLE DEPARTMENT(S)

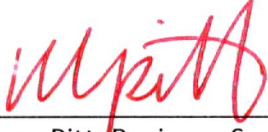
Business Services – Remittance Processing

STAFF CONTACTS (S)

Whitney Pitt, Business Services Director, wpitt@scottsdaleaz.gov

Sonia Andrews, City Treasurer, sandrews@scottsdaleaz.gov

APPROVED BY



Whitney Pitt, Business Services Director

480-312-5905, WPitt@scottsdaleaz.gov

1-3-2024

Date



Sonia Andrews, City Treasurer

480-312-2364, SAndrews@scottsdaleaz.gov

1-5-2024

Date

ATTACHMENTS

1. Ordinance 4624

ORDINANCE NO. 4624

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SCOTTSDALE,
MARICOPA COUNTY, ARIZONA, AMENDING THE SCOTTSDALE REVISED
CODE, CHAPTER 3 ALARM/SECURITY SYSTEMS.

WHEREAS, the City wishes to amend Scottsdale Revised Code Chapter 3 pertaining to Alarm/Security Systems.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Scottsdale, Maricopa County, Arizona, as follows:

Section 1. Scottsdale Revised Code Chapter 3 is hereby amended as follows with new language shown in shaded format and deleted language in strikethrough format.

Sec. 3-1. Purpose.

- (a) Individuals and businesses use various alarm/security systems to alert police and fire departments to events requiring public safety response.
- (b) Alarm/security systems that are improperly installed, maintained, or operated result in false alarms that waste public safety resources to the detriment of the community at large.
- (c) This chapter is to regulate alarm/security user conduct to minimize the unnecessary use of public safety resources. This chapter is also for cost recovery purposes.

Sec. 3-2. Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Activate or activation means setting off or triggering an alarm/security system, whether intentionally or unintentionally, rather than placing an alarm security system in a state of readiness, as upon the completion of installation or when arming the alarm/security system.

Act of God means an unusual, extraordinary, sudden, and unexpected manifestation of the forces of nature, causing physical and/or material damage, which cannot be prevented by reasonable care, skill, or foresight.

Alarm agent has the same meaning as A.R.S. Section 32-101(B)(3) or as amended.

Alarm/Security business has the same meaning as A.R.S. Section 32-101(B)(4) or as amended.

Alarm/Security system means any mechanical, electrical, or other device, including but not limited to those used to detect smoke, fire, hazardous materials, or unauthorized entry into a

premise, or to alert others of a fire, medical or other emergency, or commission of an unlawful act against a person or within a premise, and which may emit an audible alarm or transmit a signal when activated. Alarm/security systems include silent, panic, holdup, duress, robbery, burglary, automatic dialing device, and audible alarm/security systems. Each alarm/security system has a separate control panel, some an electronic control or a home automation application.

Alarm user means any person including but not limited to any individual, business, entity or fictitious person, who purchases, leases, contracts for, or otherwise obtains for use an alarm/security system on the premises where an alarm/security system is located.

Alarm User Awareness ~~Training~~ Class means a class ~~is documentation that~~ made ~~is made~~ available for the purpose of educating alarm users about the responsible use, operation, and maintenance of alarm/security systems and the problems created by false alarms.

Audible alarm means a device designed to generate an audible sound when an alarm/security system has been activated.

Automatic dialing device means any electrical, electronic, mechanical, or other device capable of being programmed to send a prerecorded voice message or other signal when activated, over a telephone line or other communication system to notify or cause to be notified, public safety personnel. Automatic dialing devices include direct dialing devices

City representative means an employee of the city, or an independent contractor acting on its behalf, who is responsible for the administration and/or enforcement of this chapter.

Common cause means a reason that an alarm/security system generates a series of false alarms, all of which occur in a seventy-two (72) hour period, which could not be reasonably corrected before subsequent activations within the seventy-two (72) hour period.

Director means the director whose responsibilities include licensing and revenue functions, or the director's designee.

False alarm means an activation of an alarm/security system that results in a public safety personnel dispatch to premises where the alarm/security system is activated, with no evidence, at the premises, of a crime or emergency, as emergency is determined by public safety personnel.

Fire department means the Scottsdale Fire Department.

Monitored alarm/security system means an alarm/security system that transmits signals to an alarm business, monitoring agency or other device to alert public safety personnel.

Monitoring agency means any person or organization that is legally or contractually responsible for monitoring one (1) or more alarm/security systems located in the city.

Permit holder means an alarm user holding a valid alarm user permit.

Police means the Scottsdale Police Department.

Premises means the land, building, facility and/or area intended to be protected by an alarm/security system.

Public safety personnel means a city representative who is a member of either the Scottsdale Police or Scottsdale Fire department.

~~*Responsible representative* means a person to be notified when an alarm/security system is activated, as designated by an alarm user.~~

Service charge means a charge assessed against an alarm user for false alarms.

Unpermitted fee means a charge assessed if an alarm/security system has a false alarm without a valid alarm user permit.

~~*Waiver certificate* means a certificate presented at the successful completion of the alarm user awareness class entitling the holder to a waiver of one service charge or unpermitted fee within one year of the certificate issue date.~~

Weekdays means business days for the City of Scottsdale, generally Monday to Friday except observed holidays.

Sec. 3-3. Reserved.

Sec. 3-4. Applicability.

This chapter shall apply to all alarm/security systems in the city except:

- (1) Audible alarms installed in or used in motorized transportation, including but not limited to motor vehicles and boats;
- (2) Telephone call diverters and systems designed to report environmental and other occurrences that are not intended to alert public safety personnel;
- (3) Water flow alarms;
- (4) Manually activated emergency medical and check welfare alarm/security systems; and
- (5) Stand-alone, battery-operated smoke alarms or carbon dioxide alarms that are not wired or otherwise connected to an alarm/security system.
- (6) Activation and permit fees for City owned alarms.

Sec. 3-5. Administration.

The administration of this chapter, including the duty of prescribing forms, is vested in the ~~City Manager~~ **Director** or designee. Permit applications made under this chapter shall be submitted to the Director, who has the authority to issue, deny or revoke a permit in accordance with this chapter.

Sec. 3-6. Notices.

- (a) All notices under this chapter shall be in writing and delivered either in paper or electronic format. The director may require any notice to be given on a form prescribed by the director.

- (b) Except for notices of denial or revocation, notices from the city shall be sent by mail or e-mail to the last address recorded with the city. In addition, notices may also be hand or electronically delivered. When the director reasonably believes that the address of record is incorrect, the director may send the notice to any reasonably current address known to the director, including, but not limited to the address or e-mail address on a criminal citation, police record, utility bill or other report.
- (c) Notices of denial or revocation may be hand-delivered or mailed, posted with the United States Postal Service, by certified mail, restricted delivery to the addressee only, return receipt requested and regular mail. Notices of denial or revocation may also be sent electronically.
- (d) Notices that are mailed are deemed given upon the earlier of:
 - (1) The date received, or
 - (2) Five (5) workdays after mailing.
- (e) Notices that are hand or electronically delivered are deemed given on the date hand delivered or five (5) workdays after being electronically sent.
- (f) Compliance with the notice provisions of this section via mailing constitutes valid notice on the date it was deposited in the United States Mail. Compliance with the notice provisions of this section via electronic or hand delivery constitutes valid notice on the date the electronic notice was sent or the notice was hand delivered. The city is not required to prove actual receipt of notice or actual knowledge of a denial or revocation.

Sec. 3-7. Limitation of liability.

- (a) The city is not liable for any failure or neglect:
 - (1) To respond appropriately upon receipt of an alarm/security system activation, or
 - (2) On the part of any person, entity or business whether or not licensed under this chapter.
- (b) If the city revokes an alarm user permit, the city is not liable for the effects of:
 - (1) The revocation, or
 - (2) Notice of any kind to third parties.

Sec. 3-8. Alarm user responsibilities.

- (a) All alarm users will:
 - (1) Ensure that the alarm system on the premises complies with the following technical standards:
 - a. All major components of alarm/security systems shall be Underwriters Laboratories (UL) or listed Factory Mutual (FM) approved for fire alarms.

- b. All alarm/security systems shall be installed in accordance with the manufacturer's installation and application instructions using current ANSI/SIA CP-01 listed alarm panels and shall be programmed to reduce false alarms.
 - c. All alarm/security systems shall have a backup, rechargeable power supply.
 - d. Motion detectors and photoelectric beam detectors shall be installed in accordance with the manufacturer's installation and application instructions.
 - e. Alarm/security systems shall be designed to alert the alarm user of the possible alarm/security system problems when the alarm user tests or attempts to activate the alarm/security system.
 - f. Alarm/security systems shall be designed to deactivate audible sound within ten (10) minutes of activation.
 - g. All alarm/security systems shall be designed to have distinct audible alarm sounds for burglary and fire.
 - h. Ionization type detectors shall not be connected to an alarm/security system without the prior written approval of the Fire Department fire marshal or designee.
 - i. Except for automatic dialing devices on city premises, automatic dialing devices shall not be programmed to any telephone number in the city government, including, but not limited to the police or fire department.
- (2) Apply for an alarm user permit from the city no later than ten (10) workdays after the alarm user's alarm/security system is placed into operation.
- (3) Maintain the alarm/security system in good working order and take all reasonable and practicable steps to prevent false alarms. The alarm/security system should be inspected once a year to maintain the alarm/security system in good working order.
- ~~(4) Choose at least two (2) reliable and trustworthy responsible representatives and provide each responsible representative with access to the premises and the code to reset the alarm/security system.~~
- ~~(5)~~ (4) Respond or arrange for response to the premises of an activated alarm/security system by an alarm user or representative agent or responsible representative within thirty (30) minutes of any public safety personnel request.
- ~~(6)~~ (5) Except for a fire alarm/security system, assure that any audible alarm is deactivated within ten (10) minutes of activation.
- ~~(7)~~ (6) Within ten (10) workdays of the change, notify the director of any changes to the information regarding the alarm user, or responsible representatives.
- ~~(8)~~ (7) Within ten (10) workdays after receiving an alarm user permit, notify the alarm company that monitors the alarm/security system of the alarm user permit number for the alarm/security system.

(98) Waive liability against the city arising out of the use of the alarm/security system.

(b) An alarm user with a monitored alarm/security system shall:

- (1) Within ten (10) workdays of the date of the service agreement, give written notice to the Director of the name, business location, mailing address and telephone number of the alarm/security business providing monitoring.
- (2) Within ten (10) workdays of the change notify:
 - a. The alarm/security business of any changes to the information regarding the alarm user.
 - b. The Director of any changes to the information regarding the alarm/security business.
- (3) Within ten (10) workdays of the change, notify the Director that the alarm/security business has ceased to monitor the alarm user's alarm/security system, or that the service is being provided by another alarm/security business. The alarm user shall identify the alarm/home security business that is providing replacement services.

Sec. 3-9. Alarm user responsibilities—Multi-unit buildings.

- (a) In a building where units are leased or sold to different tenants, the owner/manager is responsible for all alarm/security systems except those for which a tenant is responsible through a written agreement holding the tenant responsible. The owner/manager may be responsible for alarm/security systems installed to protect:
 - (1) The building,
 - (2) The owner's or manager's occupied or vacant units,
 - (3) The tenants' units, and/or
 - (4) The common areas.
- (b) The tenant is responsible for an alarm/security system installed to protect the tenant's unit if a written agreement holds the tenant responsible.
- (c) Before placing an alarm/security system into operation, the owner/manager shall obtain an alarm user permit for each alarm/security system for which the owner/manager is responsible, and the tenant shall obtain an alarm user permit for each alarm/security system for which the tenant is responsible.
- (d) The owner/manager of the building and the tenant shall comply with the alarm user responsibilities in this article. In addition, the tenant shall:
 - (1) Within ten (10) workdays after receiving an alarm user permit, give written notice to the owner/manager of the names and telephone numbers of at least two (2) responsible representatives, in addition to the alarm user, to notify if the alarm/security system is activated.

- (2) Within ten (10) workdays of the change, give written notice to the owner/manager of any changes to the information regarding the alarm user[§] or ~~responsible representatives.~~

Sec. 3-10. Alarm user permit required; who applies; not transferable.

- (a) No alarm user shall place an alarm/security system into operation without obtaining an alarm user permit in accordance with this chapter. An alarm user permit is required for each premises, in the city, where one (1) or more alarm/security system(s) is placed into operation by an alarm user. An alarm user permit is required for each alarm/security system with a separate control panel within the premises. However, in a building where units are leased or sold to different tenants:
 - (1) The owner/manager of the building shall apply for an alarm user permit for any alarm/security system installed to protect the building, the owner/manager's occupied or vacant units, the tenants' units (except as provided below) and/or the common areas;
 - (2) The tenant shall apply for an alarm user permit for any alarm/security system installed to protect the tenant's unit if a written agreement holds the tenant responsible for the alarm/security system.
- (b) Alarm user permits are not transferable between premises or persons.

Sec. 3-11. Alarm user permit application; fees.

Anyone applying for an alarm user permit under this article may submit an application to the director, containing the following information and pay outlined fees below.

- (a) Name, service address (residential or business) and mailing address.
- (b) Telephone number and email address (if applicable) for the alarm user.
- (c) Current alarm monitoring company name and phone number.
- (d) What type of alarm system and if it is a new alarm installation.

- (a)(e) Application for an alarm user permit shall be made to the director. Each initial application and renewal for an alarm user permit shall be accompanied by the fee outlined in Section 3-15.
- (b)(f) If an alarm user has not paid past alarm user permit fees, the alarm user shall pay uncollected past alarm user permit fees due for up to four (4) years in arrears. These past alarm user permit fees are in addition to the current fee due.
- (c)(g) Upon request and the payment of the fee set forth in the current Chapter 3, Section 3-15, the director shall issue a duplicate alarm user permit to a permit holder whose alarm user permit has been lost, stolen, or destroyed.

Sec. 3-12. Alarm user permit term; renewal.

- (a) The alarm user permits issued under this chapter shall be for a period of one (1) year from:

- (1) The date the alarm/security system ~~had an unpermitted activation or was placed into operation; or~~
 - (2) The date when the alarm user ~~electronically submits or~~ signs the alarm user permit application.
- (b) Alarm user permits are renewable annually, in accordance with this chapter.
- (c) If an alarm user fails to renew the alarm user permit within one hundred twenty (120) days after its expiration, or within such time determined by the director, the alarm user permit is cancelled. If the alarm user wishes to reapply for an alarm user permit for the same alarm/security system at the same premises, the alarm user shall apply for a new alarm user permit.
- (d) Each renewal shall also be accompanied by payment in full of all outstanding fees and service charges for the previous permit periods. No alarm user permit will be renewed without full payment of all fees and service charges, none of which shall be prorated or transferable.

Sec. 3-13. Alarm user permit - availability for inspection.

The alarm user permit shall be kept on the premises where the alarm/security system is located and it shall be made available to city representatives, upon reasonable request.

Sec. 3-14. Failure to obtain an alarm user permit.

- (a) If an alarm/security system is operated without an active alarm user permit, the alarm user shall be assessed an unpermitted fee of fifty dollars (\$50.00) for each alarm/security system false activation that occurs while the alarm/security system is operated without an alarm user permit. Unpermitted fees imposed under this subsection are in addition to any service charges imposed under section 3-15 and shall be cumulative with them.
- (b) Any alarm user whose alarm/security system is activated without having first obtained an alarm user permit as required by this chapter shall be notified, in writing, by the city that:
- (1) The use is in violation of this chapter.
 - (2) Payment for an alarm user permit must be submitted to the director.
 - (3) Unpermitted fees of fifty dollars (\$50.00) shall continue to accrue, in addition to any service charges imposed under section 3-15, for each false alarm/security system activation until the director receives the alarm user permit fee.
 - (4) ~~If an alarm user has an active a current alarm user permit application is on file, one activation and the associated fee unpermitted fee assessed under this section can may be waived once you complete the alarm user awareness training and take a completion quiz. Scores of 80% or higher on the quiz will allow you to have one waiver per renewal year by attending an alarm user awareness class and obtaining an alarm user awareness waiver certificate.~~

Sec. 3-15. Permit fees, activations, unpermitted fees and service charges; waivers.

- (a) Except as otherwise provided in this chapter, Permit fees, service charges, etc. shall be assessed against alarm users, for each permit period, as follows:

Permit Fees

~~Yearly~~ **Initial** application fee \$10.00

Yearly renewal fee ~~\$~~10.00

~~Unpermitted Fees charged for each activation without an active permit~~

~~For each occurrence \$50.00~~

Activations

Service Charge for false alarms:

First and second ~~None~~ **\$0.00**

Third \$50.00

Fourth ~~\$~~75.00

Fifth and sixth, each ~~\$~~100.00

Seventh or more, each ~~\$~~200.00

An additional \$50.00 unpermitted fee is charged for each activation that occurs without an active permit.

- (b) If an alarm user installs a new alarm/security system consisting of a new control panel and all other new components, and the director receives the alarm user's permit payment within ten (10) workdays after the new alarm/security system is placed into operation, then no service charges shall be assessed for alarm/security system activations which occur within the first thirty (30) days following the installation of the new alarm/security system.
- (c) No activations shall be counted, and no service charges shall be assessed, for an alarm/security system activation that results in the police preparing a departmental criminal report or the fire department preparing a report with evidence of fire or other emergency.
- (d) All unpermitted fees and/or service charges shall become due and payable upon receipt of a statement/notice of charges issued pursuant to this chapter. Permit users have 30 days to make payment from date of the statement/notice.
- (e) Waiver certificates for activation charges may be obtained by attending an online Alarm User Awareness Class. Waiver certificates are not transferable from person to person or premises to premises. The director shall waive an activation, a service charge, or an unpermitted fee, for the last alarm/security system activation in the year before the alarm permit holder presents the original waiver certificate, under the following conditions:

- (1) The waiver certificate is presented no later than one (1) year from its issuance date;
- (2) No other waiver certificate has been presented by the same person for the same alarm user permit number within one (1) year of its presentation; and
- (3) All other outstanding fees, service charges, and unpermitted fees for false alarms are paid.

Sec. 3-16. Activation and service charge review.

- (a) An alarm permit holder may file a written request with the director for an unpermitted fee, activation, or service charge review. The director must receive the review request by mail or electronically, no later than forty-five (45) days from the date the unpermitted fee, activation or service charge was billed. Review requests received after forty-five (45) days are late and the rights of review are waived as to that unpermitted fee, activation, or service charge.
- (b) The review request shall include:
 - (1) A statement of the grounds in subsection (c) and (d) below that justify waiver of the activation or service charge,
 - (2) For (d) what actions have been taken to eliminate false alarms in the future, and
 - (3) Copies of any documentation such as inspection and service reports the permit holder intends to rely upon.
- (c) Grounds for waiver are an act of God or an alarm/security system activation for which the police prepared a departmental criminal report, or the fire department prepared a report with evidence of fire or another emergency.
- (d) If the activation or service charge results from a common cause, the director may waive all but one (1) activation or service charge if the director finds:
 - (1) There have been actions taken to eliminate the common cause¹, and
 - (2) There are no additional activations of the alarm/security system from the common cause.
- (e) The Director shall give written or electronic notice to the alarm permit holder of the Director's findings. If the director finds that grounds for waiver exist in subsection (c) or (d) above, the activation or service charge shall be waived. If the alarm user is still responsible for the activation or service charge(s), the Director shall give notice to the alarm user, and indicate that the service charge(s), including any unpermitted fee, are due and payable on receipt of the notice.

Sec. 3-17. Appeal of review; hearing; notice.

- (a) An alarm permit holder aggrieved by the decision resulting from an activation or service charge review may request a hearing by filing a written or electronic request for hearing within twenty (20) workdays of the director's decision. The request shall be filed with the director.

- (b) The request for hearing shall include:
 - (1) A statement of the grounds that justify waiver of the activation or service charge,
 - (2) What actions have been taken to eliminate false alarms in the future,
 - (3) Copies of any documentation such as inspection and service reports the permit holder intends to rely upon, and
 - (4) A copy of the director's decision.
- (c) The ~~Director~~ city manager or designee shall designate hearing officers to conduct hearings pursuant to this chapter. The same employee who conducted the original review may not be appointed as hearing officer. A hearing will be set no later than twenty (20) workdays from the date on which the request for hearing is filed.
- (d) The hearing shall be informal and shall proceed as determined by the hearing officer, who may determine the length of the hearing, the manner of presenting evidence, and the order of evidence. The formal rules of evidence shall be required in conducting the hearing except that all evidence presented must be relevant. The alarm user and the city may be represented by counsel at the hearing.
- (e) The alarm user and the city may present witnesses and written evidence subject to any limitation imposed by the hearing officer. The burden of proof by a preponderance of the evidence to show that the activation or service charge should be waived is on the alarm user.

Sec. 3-18. Decision of hearing officer; notice.

- (a) The hearing officer's decision shall be based upon the evidence presented and rendered within ten (10) workdays of the hearing.
- (b) If the hearing officer affirms the activation or service charges, the hearing officer shall give written or electronic notice to the alarm permit holder, including, if applicable, the amount of fees due and the due date, which shall not be later than ten (10) days after the date of the notice.
- (c) The hearing officer may consider waiving the activation or service charge(s) if an alarm permit holder successfully completes alarm school or appropriate alarm/security system service. The hearing officer may require documentation of these required actions.
- (d) If the hearing officer finds that grounds exist for waiving the activation or service charges, the hearing officer shall give written notice to the alarm permit holder of any amount due and the due date, which shall not be later than ten (10) days after the date of the notice.
- (e) A party aggrieved by the hearing officer's decision may appeal to superior court. An appeal shall be filed within thirty (30) calendar days of the date of the hearing officer's decision or shall be waived.

Sec. 3-19. Lien for unpaid service charges.

- (a) Any service charge or unpermitted fee imposed by this chapter, if not paid by the delinquent date, shall constitute a lien on the premises to which public safety personnel responded.
- (b) Upon delinquency, the city may notify the owner of record of the premises indicating that the city may file a lien on the premises unless all delinquent service charges and unpermitted fees are paid.
- (c) If delinquent service charges and unpermitted fees are not paid, the city may prepare a notice and claim of lien and shall file the lien with the county recorder. When the lien is filed, the cost of preparing, processing, recording, and releasing the lien shall be added to the amount due.
- (d) From and after the date of recordation, the lien shall attach to the premises until the amount owed is paid.
- (e) The director or designee has the authority for having liens prepared and recorded as well as removed/released.

Sec. 3-20. Confidentiality.

- (a) Except as otherwise provided by law and as provided in (b) below, information related to an alarm user permit shall be confidential and restricted to inspection by city representatives. The alarm user may consent in writing to disclosure of any information related to an alarm/security system.
- (b) City representatives may disclose:
 - (1) The name and address of the alarm user, and the amount of delinquent, unpaid alarm user permit fees, unpermitted and service charges related to an alarm/security system to a private collection agency with a written agreement with the city, and
 - (2) The name and address of the alarm user, and the alarm user permit number to the alarm business that monitors the alarm user's alarm/security system.
 - (3) Information regarding an alarm user and the alarm user's alarm/security system to law enforcement agencies for law enforcement purposes.

Sec. 3-21. Offenses; penalty.

- (a) It shall be unlawful for any person to:
 - (1) Hire, use, or contract with an alarm business or alarm agent that is not authorized by the State of Arizona to provide alarm/security system services.
 - (2) Intentionally, knowingly, or recklessly activate any alarm/security system, except to warn of a criminal act or other emergency.
 - (3) Place into operation, monitor, or use an alarm/security system without first obtaining an alarm user permit.

- (4) Place into operation, monitor, or use an alarm/security system that is known to be defective or contains defective components such as depleted batteries.
 - (5) Place into operation, monitor, or use a single-action non-recessed button to activate a panic, holdup, or other alarm/security system.
 - (6) Install, place into operation, monitor or use any security device or system that emits any medium that could obscure the premises.
 - (7) Use an alarm/security system during the period an alarm user permit is revoked.
- (b) It shall be unlawful for an alarm user or an alarm user's responsible representative to fail to arrive at the premises where an alarm/security system has been activated, within thirty (30) minutes of activation, after being requested to do so by public safety personnel.
 - (c) A violation of subsection (a)(1) through (a)(7) shall be punishable as a class two (2) misdemeanor. A violation of subsection (b) is a civil offense punishable by a fine up to two hundred fifty dollars (\$250.00).
 - (d) The revocation of a permit, or pending revocation proceedings, shall not be a defense to prosecution under this chapter.

Sec. 3-22. Remedies.

- (a) The city's remedies to enforce this chapter against alarm users shall be as set forth below:
 - (1) If an alarm user without an alarm user permit experiences seven (7) or more false alarms of an alarm/security system within one hundred eighty (180) days, or (ii) a permit holder experiences seven (7) or more false alarms of an alarm/security system within any permit period, the police may give written notice to the alarm user and the alarm user's alarm business, if applicable, that:
 - a. Seven (7) or more false alarms are considered alarm/security system abuse.
 - b. The alarm user shall have ten (10) workdays from the date of the notice in which to rectify the causes of the false alarms and give the police written notice, signed by the alarm user, of the actions taken to rectify the causes.
 - c. The alarm user's failure to rectify the causes of the false alarms and give the police written notice, signed by the alarm user, of the actions taken to rectify the causes within ten (10) workdays may result in:
 - i. The director's initiating permit revocation procedures, and
 - ii. The alarm user's required attendance at and successful completion of alarm user awareness class.
 - d. The alarm user may be required to meet with the police to avoid permit revocation.

- e. Reinstatement of a revoked alarm user permit requires more documentation and fees than an original alarm user permit application as set forth in subsection (3) below.
 - f. Use of an alarm/security system when the alarm user permit is revoked is a class one (1) misdemeanor.
- (2) To initiate an alarm user permit revocation, the director shall give written notice to the alarm user for revocation procedures under article I of chapter 16 of this Code. All revocation procedures applicable to licenses under article I of chapter 16 of the code, including the hearing, appeal, and appeal procedure, shall be equally applicable to alarm user permits.
- (3) An alarm user applying for an alarm user permit after it has been revoked shall:
- a. Complete an application for a new alarm user permit.
 - b. Provide documentation that the alarm/security system has been inspected and serviced by an alarm business to avoid false alarms within twenty (20) workdays before the date of reapplication.
 - c. Provide documentation that the causes of false alarms have been rectified.
 - d. Provide documentation that the alarm permit holder has attended and successfully completed alarm user awareness class.
 - e. Pay all outstanding unpermitted fees and service charges set forth in the Section 3-15.
- (4) The city may enter into a written administrative consent order, signed by the director, with an alarm permit holder who has received written notice of alarm/security system abuse. The consent order may impose requirements beyond the minimum requirements of this chapter and may include suspending response by public safety personnel to alarm/security system activations. The administrative consent order may be enforced as a contract is enforced or by any other lawful means, including using the remedies set forth in this chapter.
- (5) The city may enter into a written civil consent order, signed by the director, with a person accused of violating this chapter. The consent order may impose requirements beyond the minimum requirements of this chapter and may include suspending response by public safety personnel to alarm/security system activations.
- (b) A Scottsdale police officer or the city attorney may bring criminal complaints under this chapter. A Scottsdale police officer, the city attorney or the city manager or designee may bring civil complaints under this chapter.
- (c) All remedies prescribed by this chapter are cumulative and supplemental. The city's use of one (1) or more remedies neither limits nor precludes the city from pursuing any other remedy to enforce this chapter. This chapter shall not limit the city's right to sue in a court of competent jurisdiction for appropriate legal and/or equitable relief to recover fees, service charges, late charges, attorneys' fees, and costs.

PASSED AND ADOPTED by the City Council of the City of Scottsdale, Maricopa County, Arizona this ____ day of _____, 2024.

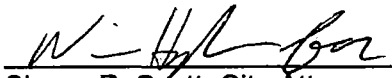
CITY OF SCOTTSDALE, an Arizona
municipal corporation

ATTEST:

Ben Lane, City Clerk

David D. Ortega, Mayor

APPROVED AS TO FORM:



Sherry R. Scott, City Attorney
By: Luis Santaella, Deputy City Attorney