ORDINANCE NO. 1434

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AMENDING <u>APACHE JUNCTION CITY CODE</u>, VOLUME I, CHAPTER 16: <u>SECURITY ALARM SYSTEMS</u>, SECTION 16-1-3: <u>ALARM USER PERMIT REQUIRED</u> AND SECTION 16-1-5: <u>FALSE ALARMS, NUISANCE DECLARED, ADMINISTRATIVE PENALTIES AND PERMIT REVOCATION</u>; REPEALING ANY CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTIES; AND DECLARING AN EMERGENCY.

WHEREAS, the mayor and city council on April 21, 1998, adopted the City of Apache Junction Security Alarm Systems standards by Ordinance No. 1015; and

WHEREAS, it has been approximately nineteen years since the last comprehensive review of the security alarm systems standards and an update is overdue, especially in light of the increased number of commercial and residential alarm users in the city and the associated administrative regulatory costs; and

WHEREAS, the police department typically responds to approximately 600 false alarms annually; and

WHEREAS, each response to a false alarm requires extensive police department resources including patrol and dispatch personnel time.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AS FOLLOWS:

SECTION I   IN GENERAL

The <u>Apache Junction City Code</u>, Volume I, Chapter 16, <u>Security Alarm Systems</u>, Article 16-1: <u>Security Alarm Systems</u>, Section 16-1-3: <u>Alarm User Permit Required</u> and Section 16-1-5: <u>False Alarms, Nuisance Declared, Administrative Penalties and Permit Revocation</u>, are hereby amended to read as follows:

16-1-3   ALARM USER PERMIT REQUIRED

A.   Every alarm user shall obtain an alarm user permit from the city for each alarm system. Such a permit shall be obtained within ninety (90) days from the effective date of this article or prior to the use of an alarm system which is installed subsequent to the expiration of ninety (90) days from the effective date of this article.

B.   The application for an alarm user's permit shall be made on a form approved by the coordinator and shall be accompanied by a permit fee as set forth in Apache Junction City Code, Vol. I, Chapter 4: Fees, Article 4-7, Public Safety Fee Schedule, § 4-7-1 (J), Security Alarm Permit Fees. Items on the form shall include, among other things, personal, business and alarm information, as well as the names of three responsible parties and their telephone numbers, provided, however, all alarm systems that have been installed prior to the expiration of thirty (30) days from the effective date of the article shall not be charged a permit fee if application for a permit is made within thirty (30) days from the effective date of this article.

C.   Permits are not transferable from one user to another or from one address to another. Permits are valid for 365 days from the date of issuance. Renewal fees are due with the alarm permit update within 30 days prior to expiration of the alarm permit.

D.   The coordinator shall mail an alarm user permit verification form to an alarm user permit holder once every year, requiring the alarm permit holder to complete the form and return it with the renewal fee to the coordinator to verify that the alarm system is still in use and the permit information is current.

16-1-5   FALSE ALARMS, NUISANCE DECLARED, ADMINISTRATIVE PENALTIES AND PERMIT REVOCATION

A.   *Nuisance declared.* The permitting of three or more false alarms for a residential property and two or more false alarms for a commercial property in a 365-day period shall constitute a public nuisance, punishable under this chapter.

B.   *Grace period.*

1.   Newly leased, rented, purchased and/or monitored alarms or alarm systems shall not be subject to provisions of the article relating to the counting and assessment of false alarms for a period of thirty (30) days from the date the alarm or alarm system becomes operational.

2.   The grace period provided in division (B)(1) of this section shall apply only if the alarm user notifies the coordinator in writing within 10 days of the completion of 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 extent of the

reinstallation.

C.   *Police review of false alarms.*

1.   Any residential alarms system which has three or more false alarms or any commercial alarm system which has two or more false alarms within the permit year shall be subject to an assessment as provided below in division(2)(e).

2.   If the police department records two or more false alarms within the permit year:

a.   The coordinator shall notify the alarm user of the fact and direct that a report be submitted to the coordinator within ten (10) days from the date of the notice. The report shall contain a description of the action taken or to be taken to discover and eliminate the cause of the false alarm, and specific defenses, if any, why the alleged false alarms should not be considered false alarms. Evidence that a false alarm was caused by an act of nature, common cause, cancellation of alarm dispatch request from the alarm company, or action of the telephone or utility company, shall constitute affirmative defenses to an assessment for a false alarm.

b.   If the report above is not timely received by the coordinator, any notified party shall be deemed to have waived the right to any further review or hearing as provided herein, and the alarm user operating the alarm system generating the false alarms will be assessed pursuant to division (2)(e) below.

c.   If the report required by division (2)(a) above is submitted, the coordinator shall review the corrective action taken or to be taken to discover and eliminate the cause of the false alarms and the specific defenses, if any, set forth in the report. If it is determined that the corrective action taken or to be taken will substantially reduce the likelihood of false alarms or that a valid defense to the initial determination of false alarm has been accepted, the coordinator will send a notice within thirty (30) days that no assessment will be made at that time. The notice shall specifically set forth the conclusions of the coordinator with respect to the review of the report submitted.

d.   If the coordinator determines that the action taken or to be taken will not substantially reduce the likelihood of false alarms or that a defense to the initial determination of false alarms has not been alleged or accepted, a notice shall be sent to the alarm user that the alarm user will be assessed a false alarm assessment pursuant to division (2)(e) below. The notice of decision shall

contain the specific findings and conclusions of the coordinator;

e. An alarm user shall be assessed a fee for each false alarm, pursuant to the fee schedule set forth in Apache Junction City Code, Vol. I, Chapter 4: Fees, Article 4-7, Public Safety Fee Schedule, § 4-7-1 (J), Security Alarm Permit Fees. The alarm user will not, however, be assessed any fee amounts for the first two false alarms for a residential property and the first false alarm for a commercial property.

f. If the alarm user fails to pay the assessment within the time provided after receipt of written notification from the coordinator as provided in this section, the coordinator may summarily revoke the alarm user permit.

g. An alarm user whose permit has been revoked shall be furnished written notification of the revocation and shall within three days after the issuance of the written notification discontinue the use of the alarm system with respect to which a permit has been revoked.

h. An alarm user whose alarm user permit has been revoked may have it reinstated by paying all overdue assessments, submit a corrective report detailing the corrective action taken with proof of inspection for malfunctions, and pay a reinstatement fee as set forth in Apache Junction City Code, Vol. I, Chapter 4: Fees, Article 4-7, Public Safety Fee Schedule, § 4-7-1 (J), Security Alarm Permit Fees.

i. Any non-registered alarm user shall be assessed false alarm fees pursuant to the fee schedule as set forth in Apache Junction City Code, Vol. I, Chapter 4: Fees, Article 4-7, Public Safety Fee Schedule, § 4-7-1 (J), Security Alarm Permit Fees. For each subsequent false alarm beyond two, the police department will not respond and alarm user may be subject to criminal and/or civil charges, penalties and fees pursuant to § 16-1-8.

SECTION II   REPEALING ANY CONFLICTING PROVISIONS

All ordinances and parts of ordinances in conflict with the provisions of this ordinance or any part of the codes adopted herein by reference are hereby repealed.

SECTION III   PROVIDING FOR SEVERABILITY

If any section, subsection, sentence, phrase, clause or portion of this ordinance or any part of the codes or regulations adopted

herein by reference 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 thereof.
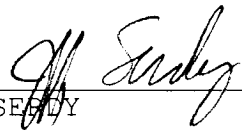
SECTION IV   PROVIDING FOR PENALTIES

Any violation of the provisions adopted herein shall be punishable as a class one misdemeanor consistent with Apache Junction City Code, Volume I, Chapter 1: GENERAL, ARTICLE 1-1: GENERAL, § 1-1-11, PENALTY.

SECTION V   DECLARING AN EMERGENCY

The immediate operation of the provisions of this ordinance is necessary for the immediate preservation of the public peace, health or safety, and that an emergency shall be in full force and effect from and after its passage, adoption and approval by the mayor and city council of the City of Apache Junction.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, THIS _17TH_ DAY OF _JANUARY_, 2017.

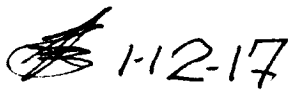SIGNED AND ATTESTED TO THIS _17TH_ DAY OF _JANUARY_, 2017.

_____
JEFF SERDY
Mayor

ATTEST:

_____
KATHLEEN CONNELLY
City Clerk

APPROVED AS TO FORM:

_____1-12-17_____
RICHARD J. STERN
City Attorney

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ORDINANCE NO. 1435

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AMENDING APACHE JUNCTION CITY CODE, VOLUME I, CHAPTER 4: FEES, ARTICLE 4-7, PUBLIC SAFETY FEE SCHEDULE, SECTION 4-7-1, PUBLIC SAFETY FEE SCHEDULE, SUBSECTION J, SECURITY ALARM PERMIT FEES; REPEALING ANY CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTIES; DECLARING AN EMERGENCY; AND ESTABLISHING A REVOLVING SIXTY MONTH REVIEW PERIOD.

WHEREAS, the mayor and city council on January 20, 2009, adopted the most recent Public Safety Fee Schedule by Ordinance No. 1333; and

WHEREAS, it has been seven years since the last comprehensive review of the security alarm permit fees and an update is overdue, especially in light of the increased number of residential and business alarm users in the city and the associated administrative regulatory costs.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AS FOLLOWS:

SECTION I   IN GENERAL

The Apache Junction City Code, Volume I, Chapter 4: Fees, Article 4-7, Public Safety Fee Schedule, Section 4-7-1, Public Safety Fee Schedule, Subsection J, Security Alarm Permit Fees, is hereby amended in its entirety to read as follows:

ARTICLE 4-7   PUBLIC SAFETY FEE SCHEDULE

Section 4-7-1 (J)   Security Alarm Permit Fees

Alarm User	Description	Fee
Residential	Initial Registration	$15.00
	Annual Renewal	$15.00
	Reinstatement Fee	$25.00
	First and Second False Alarm	No fee
	Third False Alarm	$50.00
	Each Subsequent False Alarm	$50.00 increments
Commercial	Initial Registration	$25.00
	Annual Renewal	$25.00
	Reinstatement Fee	$25.00
	First False Alarm	No fee
	Second False Alarm	$50.00
	Each Subsequent False Alarm	$50.00 increments
	First False Panic Alarm	No fee
	Second False Panic Alarm	$100.00
	Each Subsequent False Panic Alarm	$100.00 increments
Non-Registered	First False Alarm	$100.00
	Second False Alarm	$200.00
	Each Subsequent False Alarm	*See* Apache Junction City Code, Chapter 16, §16-1-5(C)(2)(i)

SECTION II   REPEALING ANY CONFLICTING PROVISIONS

All ordinances and parts of ordinances in conflict with the provisions of this ordinance or any part of the codes adopted herein by reference are hereby repealed.

SECTION III   PROVIDING FOR SEVERABILITY

If any section, subsection, sentence, phrase, clause or portion of this ordinance or any part of the codes or regulations adopted herein by reference 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 thereof.

SECTION IV   PROVIDING FOR PENALTIES

Any violation of the provisions adopted herein shall be punishable as a class one misdemeanor consistent with Apache Junction City Code, Volume I, Chapter 1: GENERAL, ARTICLE 1-1: GENERAL, § 1-1-11, PENALTY.

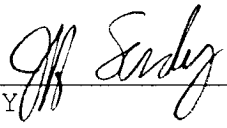SECTION V   <u>DECLARING AN EMERGENCY</u>

The immediate operation of the provisions of this ordinance is necessary for the immediate preservation of the public peace, health or safety, and that an emergency shall be in full force and effect from and after its passage, adoption and approval by the mayor and city council of the City of Apache Junction.

SECTION VI   <u>ESTABLISHING A REVIEW PERIOD</u>

Before the end of each sixty month period after its passage, adoption and approval by the mayor and city council, staff shall review the fees and provide a recommendation to the mayor and city council for any amendments.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, THIS _17TH_ DAY OF _January_, 2017.

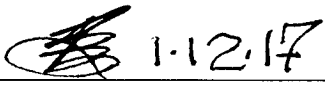SIGNED AND ATTESTED TO THIS _17TH_ DAY OF _January_, 2017.

_____
JEFF SERDY
Mayor

ATTEST:

_____
KATHLEEN CONNELLY
City Clerk

APPROVED AS TO FORM:

_____
RICHARD J. STERN
City Attorney

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