

**ORDINANCE #14-02**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING CHAPTER 18, ARTICLE II OF THE SURPRISE CITY CODE, FALSE ALARMS FROM ALARM SYSTEMS.**

**WHEREAS**, the Police Department receives approximately 4,000 false alarm calls a year;

**WHEREAS**, a disproportionately large number of those alarm calls are the result of human error, inadvertence or mistake and not the result of criminal activity or emergency ("false alarms");

**WHEREAS**, alarms constitute approximately 8% of the total calls for service received by the Police Department;

**WHEREAS**, the response to false alarms results in a significant allocation of police department resources diverting them from other crime-fighting efforts such as patrolling neighborhoods, responding to calls for service; or investigating and solving crimes;

**WHEREAS** the response to false alarms results in safety risks to responding officers and the public;

**WHEREAS**, verification of burglary alarms by the Alarm Company Operators and non-monitored Alarm Owners provides additional indicia that the alarm indicates an actual or attempted burglary or other emergency is occurring at the alarmed premises; and

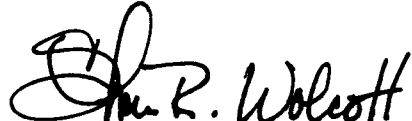
**WHEREAS**, requiring verification of possible criminal activity prior to calling for a police department response will greatly reduce the number of false alarms and free up police department resources to be deployed to other law enforcement activities,

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and City Council of the City of Surprise, as follows:

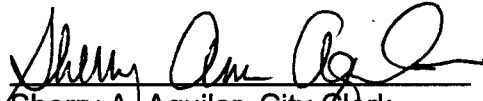
**Section 1.** Chapter 18, Article II, False Alarms from Alarm Systems, of the Surprise Municipal Code is hereby amended as set forth in Attachment A, incorporated herein by reference.

**Section 2.** This ordinance shall be effective from and after April 30, 2014.

**PASSED AND ADOPTED** this 14 day of January, 2014.

  
Sharon R. Wolcott, Mayor

ATTEST:

  
Sherry A. Aguilar, City Clerk

APPROVED AS TO FORM:

  
Misty Leslie, City Attorney

**ORDINANCE #14-02**  
**Attachment A**

Article II False Alarms from Alarm Systems

**Sec. 18-19. Definitions.** The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Alarm* means a Burglary Alarm, an Intrusion Alarm or a Property Alarm.

*Alarm System or Alarm Device* means any system, device or mechanism which when activated transmits a telephonic wireless electronic video or other form of message to an Alarm Company Operator or some other number or emits an audible or visible signal that can be heard or seen by persons outside the Protected Premises or transmits a signal beyond the Premises in some other fashion except any system device or mechanism primarily protecting a motor vehicle or a medical alert alarm. An Alarm System or Alarm Device may consist of one or more components (e.g., motion detector, window breach detector, or similar components all reporting to a central unit/system panel which, in turn, is connected to or reports to an Alarm Company Operator via telephonic wireless electronic video or other form of message. Non-monitored Alarm Systems are also included in this definition.

*Alarm System Monitoring Company or Alarm Company Operator* means any person, individual, partnership, corporation, or other form of association that engages in business of monitoring intrusion, property, burglary, robbery, panic alarms, or other "alarm systems" located in the City of Surprise. This includes alarm system monitoring companies and alarm system operators that are located outside the city limits of Surprise and which monitor alarm installed within the city limits of Surprise.

*Alarm User* means the person occupying and/or using premises on which there is a alarm system.

*Burglary Alarm* has the same meaning as "Property Alarm" below.

*Chief or Chief of Police* means the Chief of the Surprise Police Department or his or her Designee.

*False alarm* means the reporting of the activation of any monitored or non-monitored alarm system to the Surprise Police Department which results in an officer response when the responding police personnel find no evidence of a criminal offense or other emergency after having completed a timely investigation of the alarm site. When responding police personnel find unsecured doors or windows where there is no evidence of forced entry or other evidence of criminal intent, the alarm is presumed to be false.

*Intrusion Alarm* has the same meaning as "Property Alarm"

*Monitored Alarm System* means any system device or mechanism which when activated transmits a telephonic, wireless, electronic, video, or other form of message or communication to a private monitoring company, other number, or person who can then notify police that an alarm has been activated. This includes all systems, which transmit telephonic, wireless, electronic, video, or other form of message from an alarm installed within the city limits of Surprise to any location outside of Surprise (e.g., an alarm monitoring center located in a state other than Arizona). All alarms that are monitored except are included within the definition of "Monitored Alarm System"; e.g., any monitored Burglary, Intrusion, Panic, Premises, Property, Robbery, or other type of Alarm Device.

*Non-monitored alarm owner* means the person who owns or occupies premises protected partially or fully by a non-monitored alarm system.

*Non-monitored Alarm System* means any Alarm System which is not monitored by an Alarm Company Operator.

*Panic Alarm* has the same meaning as "Robbery Alarm".

*Person* means any individual, partnership, corporation, trust, incorporated or unincorporated entity, or other entity or group of persons but excludes the United States, the state of Arizona and any political subdivision or municipal corporation thereof.

*Police Department, Department, or Police* means the Surprise Police Department and includes other law enforcement agencies assisting the Surprise Police Department.

*Premises or Protected Premises* means any area and any portion of any area protected by an Alarm System.

*Prohibited Call* means a call to Police dispatch by an Alarm Company Operator employee or agent requesting Police response to a Property Alarm Intrusion Alarm or Burglary Alarm activation that is not verified whether canceled after the initial call or not.

*Property Alarm, Intrusion Alarm, and Burglary Alarm* mean any system, device or mechanism for detection and reporting of any unauthorized entry or attempted entry or property damage upon real property protected by the system which may be activated by sensors and when activated transmits a telephonic, wireless, electronic, video, or other form of message or emits an audible or visible signal that can be heard or seen by persons outside the Protected Premises or transmits a signal beyond the Protected Premises. For purposes of this ordinance, alarms on Automatic Teller Machines (ATMs) are included in this definition.

*Responder* means a private guard, alarm company guard, private entity or person contacted by an Alarm Company Operator or any other person who verifies that there is

evidence of intrusion, commission of an unlawful act, or emergency on the premises that would warrant a call for Police assistance or investigation for a Property, Intrusion, or Burglary Alarm. Responders for Alarm Company Operators and/or their subscribers requesting Police response will notify the Police dispatcher what Alarm Company Operator requested them to respond. **Responders will meet Police at the Premises, unless the Responder verified the burglary alarm by other than at-the-site verification.**

*Robbery Alarm and Panic Alarm* mean any system, device, or mechanism manually activated by an individual on or near the Premises, to alert others that a robbery or any other crime is in progress, or that the user is in need of immediate assistance or aid in order to avoid injury or serious bodily harm, which meets the following criteria:

- 1) The system is installed on real property (the "Protected Premises")
- 2) It is designed to be manually activated by an individual for the purpose of summoning assistance to the Premises,
- 3) It transmits a telephonic, wireless, electronic, video, or other form of message or emits an audible, visible, or electronic signal that can be heard, seen, or received by persons outside the Protected Premises.

***Verified Alarm* means an alarm which a Responder has verified that a crime, attempted crime, or other emergency occurring at the Premises protected by the alarm is occurring or about to occur. Verification may be by;**

- 1) At-the-site verification which is on-site human verification of a crime or problem by a Responder;
- 2) through the use of a remote audio or video system monitored by an Alarm Company Operator;**
- 3) Multi- zone activation when there has been alarm activation in two or more separate monitoring zones within five (5) minutes of each other and the alarm system operator has been unsuccessful in at least one telephone call attempt to contact the premises, the owner, or the owner's representative;
- 4) Multi- zone activation when there has been alarm activation in two or more separate monitoring zones within five (5) minutes of each other and the alarm system operator has contacted the owner or the owner's representative who confirms that no one should be at or inside of the premises; and
- 5) any other form of verification as may from time to time be adopted as Policy by the Police Department and published on its website

*Unverified alarm* has the same meaning as "false alarm".

### **Sec. 18-20. Applicability.**

This article is intended to reduce false alarms calls and place responsibilities upon alarm users. It is further intended to encourage the improvement in reliability of alarm systems and provider services to insure that Police Department personnel will not be unduly diverted from responding to other activities in order to respond to false alarm

calls. This article specifically encompasses burglary, robbery and commercial panic alarms. The provisions of this article do not apply to audible alarms affixed to motor vehicles, audible fire alarms, medical alert devices, robbery alarms, residential panic alarms, or alarm systems that are operated by the City, County, State or Federal Government where those systems are installed on premises which such government entity occupies and uses for governmental purposes.

#### **Sec. 18-21. Certain Devices, Systems, Uses Prohibited**

- (a) No person shall operate or use an Alarm System that emits an audible sound where such emission does not automatically cease within ten minutes.
- (b) No person shall operate or use an Alarm System which automatically dials the Surprise Police Department directly and delivers a prerecorded message.

#### **Sec. 18-22. Verified Response Required**

(a) The Police Department will not respond to Property Alarms, Intrusion Alarms, or Burglary Alarms unless they are Verified Alarms as defined by this Article. In reporting such an alarm to the Police Department, an Alarm Company Operator or non-monitored Alarm Owner must confirm that the alarm is a Verified Alarm. In the first instance it shall be presumed that an Alarm Company Operator or non-monitored Alarm Owner who reports an alarm as a Verified Alarm has actually verified that alarm. Even if an alarm is verified, exigent circumstances may arise that prevent the Police Department from responding to verified alarm activations due to the availability of resources. The Police Department is under no legal duty or obligation whatsoever to respond to any Property Alarm, Intrusion Alarm, or Burglary Alarm activation and may respond in its discretion as police resources allow and as Police Department supervision and management deem appropriate.

(b) An Alarm Company Operator or non-monitored Alarm Owner who reports a Verified Burglary Alarm to the Police Department is required to maintain the evidence it used to verify that the Burglary Alarm activation, or a written report thereof, for not less than 12 months from the date of the alarm activation; except, as to recordings of remote audio or video surveillance, which must be maintained for not less than sixty days. Because the Police Department will accept the Alarm Company Operator or non-monitored Alarm Owner representation in the first instance that it verified the alarm before reporting it to the Police Department as a Verified Alarm, the Police Department shall have the right to audit the Alarm Company Operator or non-monitored Alarm Owner to ensure that the Alarm Company Operator or non-monitored Alarm Owner is not misrepresenting that fact to the Police Department. If the Police Department has reasonable cause to believe that an Alarm Company Operator or non-monitored Alarm Owner has misrepresented an alarm to be a

Verified Burglary Alarm, it may send the Alarm Company Operator or non-monitored Alarm Owner written notice of the date and time of the reported Verified Burglary Alarm and request the Alarm Company Operator or non-monitored Alarm Owner produce to the Police Department the evidence and/or report substantiating the verification of that burglary alarm activation. The Alarm Company Operator or non-monitored Alarm Owner shall produce the requested items to the Police Department within 14 days of the mailing of notice. Should the Alarm Company Operator or non-monitored Alarm Owner fail to maintain the evidence and/or report for the specified period of time or fail to produce the requested items to the Police Department, the Alarm Company Operator or non-monitored Alarm Owner will not be entitled to the presumption set forth in Section 18-22(A) and the alarm shall be presumed to be an unverified alarm. Should the Alarm Company Operator or non-monitored Alarm Owner intentionally destroy, fail to maintain for the time period specified above, or discard the evidence and/or report or intentionally fail to produce the requested items to the Police Department that have been maintained and do exist, then and in that event the Alarm Company Operator or non-monitored Alarm Owner shall be presumed to have made a call that was not verified and the alarm shall be presumed to be an unverified alarm. Such presumption may be overcome by the Alarm Company Operator or non-monitored Alarm Owner producing evidence that in requesting a police response to the burglary alarm in issue it did not know that the alarm was not verified.

- (c) When notifying the Police Department of an alarm, the Alarm Company Operator or non-monitored Alarm Owner shall state:
- (1) Caller's name;
  - (2) the name of his Alarm System Monitoring Company and the State of Arizona alarm license number, if applicable;
  - (3) the name of his non-monitored Alarm Owner, if applicable;
  - (4) the exact address from which the alarm originated;
  - (5) the name and type of establishment;
  - (6) the precise location of the alarm activations or where criminal activity has been heard or observed; and,
  - (7) the type of alarm, such as silent burglary or audible burglary alarm.

### **Sec. 18-23. Violations**

- (a) It shall be unlawful for a person shall make a request for service with the Department for response to a burglary alarm prior to verification.
- (b) It shall be unlawful for an Alarm Company Operator to cause a request for service with the Department for response to a burglary alarm based upon two zone

activation until such time as the Operator has made at least one telephone call in an attempt to verify the need for service.

- (c) It shall be unlawful for a non-monitored Alarm Owner to cause a request for service with the Department for response to a burglary alarm based upon two zone activation until such time as the Owner or the Owner's agent has made a telephone call to the premises in an attempt to verify the need for police response.
- (d) It shall be unlawful for a person to provide false information which causes the Department to dispatch officers to the location of an alarm system.
- (e) It shall be unlawful for an Alarm Company Operator or a non-monitored Alarm Owner requesting a Police Response to a burglary alarm to fail to give all of the following information:
  - (1) Caller's name;
  - (2) name of Alarm Company Operator and State of Arizona alarm license number, if applicable;
  - (3) name of the non-monitored Alarm Owner, if applicable;
  - (4) exact address from which the alarm originated;
  - (5) the name and type of establishment;
  - (6) the precise location of the alarm activations or where criminal activity has been heard or observed; and,
  - (7) the type of alarm, such as silent robbery, silent burglary, or ringer-type alarm.

**18-24. Non-response to Locations With Two or More Unverified Alarms**

- (a) After the Department has received an unverified alarm from premises, the Department shall notify the Alarm User and the Alarm Monitoring Company, for monitored alarm systems, that the alarm occurred and the Department believes it is unverified. The notice shall inform the recipients of the sanctions provided in this section and that a recipient may, but are not required to, provide proof to the Department the alarm was verified.
- (b) After the Department has received two unverified alarms for the same premises within any 365 day period, the Department shall notify the Alarm User and Alarm Monitoring Company, for monitored alarm systems, that the police department will cease responding to alarm calls 20 business days after the postmarked date on the notice. The notice shall also state that such action will not occur if the Department receives proof as specified in Section 18-24(D).
- (c) If no proof specified in Section 18-24(D) is received back within 20 days from the postmarked date on the notice, the Department will no longer respond to burglary alarms at the premises.



(d) The Department will continue to respond, or will resume responding, to burglary alarms at the premises upon receiving the proof specified in this subsection D. Appropriate proof shall be either:

- (1) one or more of the alarms was a verified alarm. Upon receipt of such proof, police response will continue (or resume, if the information was received more than 20 business days after the postmarked date on the notice) if the premises then has no more than one unverified alarm within a 365 day period; or,
- (2) the Alarm Company Operator, the alarm user, or the Non-monitored alarm owner have made repairs or changes to operation which ensure that only verified alarms will be reported in the future. Upon receipt of such proof, police response will then continue (or resume, if the information was received more than 20 business days after the postmarked date on the notice). If the premises has an unverified alarm within the next 365 days, the Department shall notify the Alarm User and Alarm Monitoring Company, for monitored alarm systems, that the police department will cease responding to alarm calls for a period of 365 days from 20 business days after the postmarked date on the notice. The notice shall also state that such action will not occur if the Department receives proof that the alarm was verified. The Department will cease responding to the premises for one year (365 days) if such proof is not received within 20 business days of the postmarked date on the notice. Such year (365 days) of non-response will begin on the 21<sup>st</sup> business day from the date postmarked on the notice.

(e) Any notice required by this Article to be mailed shall be sent by ordinary mail addressed to the address as reflected in the records of the Police Department. Failure to receive such notice shall not stop, terminate or reverse the Department's non-response to the premises. It is the responsibility of the Alarm Company Operator, alarm user and/or Non-monitored alarm owner to inform the Police Department in writing about:

- (1) a correct address,
- (2) a change in address, and
- (3) an address where notice to the premises should be sent if the address is other than the address of the premises.

(f) If the title to premises is transferred, the new owner may provide the Department with evidence of the completed property transfer. Upon receipt of that evidence, for purposes of this section 18-25, the previous owner's alarm history shall not carryover or be imputed to the new owner. Specifically, if the Department has not

been responding to the premises pursuant to sub-section C of this section, it will resume responding.

**Sec. 18-25. Police Department delegation of duties.**

Except as otherwise provided in this section, the chief of police is authorized to delegate to the alarm administrator, or to any other authorized designee, all duties of the police department as set forth in this article. Except as specifically set forth herein, the chief of police may not delegate any duty specifically reserved to law enforcement.

**Sec. 18-26. Scope of Surprise police department Duty; Immunities Preserved.**

Any and all liability and consequential damage resulting from the failure of the Surprise police department to respond to an alarm dispatch request is hereby disclaimed and full governmental immunity as provided by law is retained.

**Sec. 18-27. Confidentiality.**

The information furnished by an alarm user to the alarm administrator pursuant to this Article shall be confidential and shall not be open to public inspection.