Enforcement of Sections 7-450 through 7-464 is delayed until 1/1/05. Enforcement of Sections 11-2.1 through 11-2.8 is delayed until 9/5/04.

ADOPTED BY THE MAYOR AND COUNCIL

MAY 2 4 2004

ORDINANCE NO. 9975

RELATING TO ALARM COMPANIES AND FALSE ALARMS; AMENDING TUCSON CODE CHAPTER 7 ("BUSINESSES REGULATED") BY ADDING A NEW ARTICLE XXI ("ALARM COMPANIES"), CONSISTING OF SECTIONS 7-450 THROUGH 7-464; ADDING DEFINITIONS AND LICENSE REQUIREMENTS; SPECIFYING TYPES OF LICENSES; PROVIDING RECIPROCITY FOR LICENSES ISSUED BY OTHER ARIZONA MUNICIPALITIES; SPECIFYING REQUIRED CONTENTS FOR LICENSE APPLICATIONS; REQUIRING BACKGROUND INVESTIGATIONS; ESTABLISHING LICENSE FEES, DISPLAY REQUIREMENTS; AND CRITERIA AND PROCEDURES FOR ISSUANCE, RENEWAL, SUSPENSION, REVOCATION, TERMINATION, CANCELLATION, DENIAL, AND REVIEW OF DENIAL OF LICENSES, AND FOR APPLICATION AFTER DENIAL, SUSPENSION OR REVOCATION; ESTABLISHING PENALTIES FOR VIOLATION OF LICENSE PROVISIONS; AMENDING TUCSON CODE CHAPTER 11 ("CRIMES AND OFFENSES") BY AMENDING SECTION 11-2, PERTAINING TO FALSE ALARMS, AND SUBDIVIDING AND RENUMBERING IT AS SECTIONS 11-2.1 THROUGH 11-2.8; AMENDING DEFINITIONS, ALARM OPERATOR'S DUTIES, PROHIBITIONS, AND PENALTIES; ADDING ALARM BUSINESS DUTIES; REPEALING COMMON CAUSE EXCEPTION; AND DECLARING AN EMERGENCY.

BE T ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA, AS FOLLOWS:

SECTION 1. Chapter 7 of the Tucson Code ("Businesses Regulated") is hereby amended by adding a new Article XXI ("Alarm Companies"), consisting of new Sections 7-450 through 7-464, to read as follows:

CHAPTER 7
BUSINESSES REGULATED

ARTICLE XXI
ALARM COMPANIES

Sec. 7-450. Definitions.

In this article, unless the context otherwise requires:

Alarm agent means any person, whether an employee, independent contractor or otherwise, who acts on behalf of an alarm business and leases, rents, maintains, services, repairs or installs alarm systems, other than alarm systems located on the person's own property or the property of the person's employer.

Alarm business means any person that, either individually or through a third party, engages in the business of providing alarm monitoring services or the business of selling, leasing, renting, maintaining, repairing or installing alarm systems, devices or services.

Alarm system means a device or series of devices, including but not limited to hardwired systems and systems interconnected with a radio frequency method such as cellular or private radio signals, which emit or transmit a remote or local audible, visual or electronic signal indicating an alarm condition and intended to summon a public safety response. Alarm system does not include an alarm installed in a vehicle or on someone's person unless the vehicle or personal alarm is permanently located at a site.

Alarm user means the owner, lessor, or occupant, agent, employee, operator or manager of property upon which an alarm system is located, as well as a party or person who actually causes a false alarm.

Alarm user awareness class means a class conducted for the purpose of educating alarm users about the responsible use, operation and maintenance of alarm systems and the problems created by false alarms.

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 holds more than ten percent 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.

Duress alarm means an alarm system signal generated by the entry of a designated code into an alarm system in order to signal that the alarm user is being forced to turn off the system and needs law enforcement response.

Emergency means the commission or attempted commission of a robbery or burglary, or other crime of violence, or other life/safety issue.

False alarm means an alarm signal, sound or message which results in a response by the police department or fire department where an

emergency does not exist, or which is not caused by or is not the result of a criminal act or unauthorized entry.

Holdup alarm means an alarm signal generated by the manual activation of a device intended to signal a robbery in progress.

Licensing authority means the City finance department, except that when referring to reciprocal licenses, it means the city department or the police department, as applicable, who has the authority to issue licenses pursuant to the reciprocal alarm licensing ordinance of another city or town.

Monitoring means the process by which a person receives signals from an alarm system and relays a request for response to the police department or fire department for the purpose of summoning response to the alarm site.

Monitoring company means a person in the business of providing monitoring services.

Panic alarm means any device or system designed to be victim activated to alert others to the existence of an emergency.

Person means any natural person, employee, company, firm, partnership, association, corporation, agent, manager, lessor, lessee, operator or entity.

Primary alarm business license means a 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. 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.

Reciprocal alarm business license means a 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 business license from a similar licensing authority within this state that has adopted the reciprocal alarm licensing ordinance.

Responsible party means an individual capable of reaching the alarm site within 30 minutes and having access to the alarm site, the code

to the alarm system and the authority to approve repairs to the alarm system.

SIA control panel standard CP-01 means the ANSI (American National Standard Institute) approved Security Industry Association (SIA) CP-01 control panel standard, as may be updated from time to time, that details recommended design features for security system control panels and their associated arming and disarming devices to reduce the incidence of false alarms. Control panels built and tested to this standard by Underwriters Laboratory (UL), or other nationally recognized testing organizations, will be marked to state: "design evaluated in accordance with SIA CP-01 control panel standard features for false alarm reduction."

Verify or verification means two attempts by the company monitoring an alarm, or its representative, to contact the site of the alarm and/or the alarm user by telephone and/or other electronic means, whether or not actual contact with a person is made, to determine whether an alarm signal is valid before requesting law enforcement dispatch, in an attempt to avoid an unnecessary request for response.

Sec. 7-451. License Required.

A. It shall be unlawful for any person to conduct, operate, engage in or carry on an alarm business, or to engage in the occupation of alarm agent, or represent oneself as an alarm agent, without first having obtained such licenses as are required by this article. A separate license is required for each business name under which an alarm business conducts business or advertises. In the event that the finance director has reasonable cause to believe that an alarm business does not have a valid alarm business license as required by this article, or that a person is engaged in the alarm business without a valid alarm business license, the finance director, with the assistance of the police department, shall issue a warning to the alarm business stating that it is in violation of the provisions of this article. The alarm business receiving such a notice shall not engage in the alarm business until an alarm business license is issued pursuant to this article.

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

C. The license required by this article 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 article

shall comply with all other ordinances 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.

D. All licenses issued pursuant to this article shall be for a period of one year from the date of issue and shall be renewable annually, one year from the original date of issue or renewal, as applicable, subject to renewal pursuant to Section 7-456.

E. Upon written request and the payment of a ten-dollar fee, the finance director shall issue a duplicate license to a licensee whose license has been lost, stolen or destroyed.

F. It shall be unlawful for an alarm business to use, or to contract with for purposes of using, the services of an unlicensed alarm business or alarm agent.

Sec. 7-452. Types of licenses; reciprocity.

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

1. *Primary alarm business license.* A primary alarm business 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 this state.

2. *Reciprocal alarm business license.* An alarm business, whether physically located within or outside the State of Arizona, that has a valid primary alarm business 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 business license upon compliance with the requirements of this article.

3. *Alarm agent license.* A person desiring to engage in the business or occupation of alarm agent shall apply for and receive an alarm agent license from the jurisdiction that issues the primary alarm business 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 license, but shall provide a copy of his or her license, upon request, to the jurisdiction in which the reciprocal license has been issued.

Sec. 7-453. Alarm business license applications; contents.

A. All applications for alarm business license made pursuant to this article shall include the following:

1. The name, business address, mailing 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 forth exactly as shown in its 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. If 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 article. The applicant shall provide a copy of the corporation, partnership or limited liability company formation documents.

3. The name of the applicant and each controlling person, any alias or other name used or by which the applicant or any controlling person has been previously known, his or her current residence and business addresses, telephone numbers, including facsimile numbers and e-mail addresses, if applicable.

4. The names and addresses of the alarm agents employed by the alarm business.

5. The residence and business address of the applicant and each controlling person for the five-year period immediately preceding the date of filing of the application and the inclusive dates of each such address.

6. Proof that the applicant and each controlling person is at least eighteen years of age, as indicated on a current driver's license with picture, or other picture identification document issued by a governmental agency.

7. Height, weight, color of eyes and hair and date of birth of the applicant and each controlling person.

8. Two current 2" by 2" photographs of the applicant and each controlling person.

9. The employment history of the applicant and each controlling person for the five-year period immediately preceding the date of the filing of the application.

10. 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 reasons for the revocation, denial, cancellation or suspension.

11. 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. "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 license, or any driving offense for which the possible penalty includes jail time. "Crime" does not include minor or civil traffic offenses. "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. 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.

12. For initial and renewal applications for primary alarm business licenses only, one full set of fingerprints on fingerprint cards, or fingerprint data, as provided in Section 7-455 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.

13. Copies of the State of Arizona Registrar of Contractor's C-11, C-12 or I-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, if applicable.

14. A list of all Arizona counties, cities and towns where the applicant conducts business.

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 business license if the application is made for an original or renewal reciprocal alarm business license.

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

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

Sec. 7-454. Alarm agent license applications.

A. An alarm agent license application shall include the following information about the applicant:

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 e-mail 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. Proof that the applicant is at least eighteen years of age, as indicated on a current driver license with picture, or other picture identification document issued by a governmental agency.

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

5. Two current 2" by 2" photographs of the applicant.

6. The applicant's employment history for the five-year period immediately preceding the date of the filing of the application.

7. 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, denial, cancellation or suspension.

8. Whether or not the applicant 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. "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. "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. An applicant shall also answer "yes" to this question, even though he or she has not been convicted of a crime, if the applicant is presently pending trial or other court proceeding for a crime.

9. One full set of fingerprints on fingerprint cards, or fingerprint data, as provided in section 7-455. 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.

10. A list of all Arizona counties, cities or towns where the applicant conducts business.

11. Such other information, evidence, statements or documents as may be deemed by the finance director to be reasonably necessary to process and evaluate the application or renewal.

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

Sec. 7-455. Background investigation; fingerprints.

A. As a condition of the issuance of licenses pursuant to this article, the finance director shall require each applicant and controlling person to furnish one full set of fingerprints, or fingerprint data, to enable the police department to conduct a criminal background investigation to determine the suitability of the applicant or controlling person.

B. The finance director shall immediately transmit all completed applications to the chief of police, who shall investigate an application and the background of the applicant and make a recommendation to the director for approval or denial of a license. This recommendation shall be completed within twenty (20) days of receipt of the application. The police department shall submit or electronically transmit all completed fingerprint cards to the Department of Public Safety to conduct a statewide criminal history check. The applicant or controlling person shall bear the cost of conducting the criminal background investigation. The cost shall not exceed the actual cost of obtaining the criminal history information. Criminal history records checks shall be conducted pursuant to Section 41-1750, Arizona Revised Statutes, and Public Law 92-544, as amended. The Department of Public Safety is authorized to exchange the submitted fingerprint card information with the Federal Bureau of Investigation for a National Criminal History Records check.

Sec. 7-456. Fees; display of licenses.

A. The following fees are non-refundable, nontransferable, and will not be prorated.

1 Initial license application fee:

(a)	Primary alarm business	$200
(b)	Reciprocal alarm business	$ 75
(c)	Alarm agent	$ 70

2. License renewal fee:

(a)	Primary alarm business	$ 20
(b)	Reciprocal alarm business	$ 10
(c)	Alarm agent	$ 20

3. The current cost of obtaining from the Arizona Department of Public Safety and the Federal Bureau of Investigation criminal history information.

4. Duplicate license fee: $10

B. Alarm business licenses shall state whether they are primary alarm business licenses or reciprocal alarm business licenses. The primary alarm business license or reciprocal alarm business license, as applicable, shall be at all times conspicuously displayed at the alarm business's central station or office.

C. Alarm agent licenses shall be carried on the person of an alarm agent at all times while so employed and the alarm agent shall display the license to any police officer or authorized representative of this city upon request.

Sec. 7-457. Renewal of license.

A. The holder of a primary alarm business license, reciprocal alarm business license or alarm agent license shall renew the license annually by submitting a renewal application containing the information listed in Section 7-453 or 7-454, as applicable, and paying the required renewal fee and the costs for a criminal history investigation. The holder of a reciprocal alarm business license, as a condition of renewal, shall also submit a copy of the approved primary alarm business license upon which reciprocity is based.

B. Applications for license renewal shall be filed with the finance director not later than ninety (90) days prior to the expiration of the license currently in effect. Applications for license renewal shall not be accepted after ninety (90) days prior to the expiration date of the license. In the event that a license expires without the licensee having submitted a timely application for renewal, the holder of the expired license must file a new application for initial license and shall comply with all of the requirements provided herein for obtaining an initial license.

Sec. 7-458. Issuance; grounds for denial; petition for review.

A. The finance director will issue a license provided for by this article 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. The finance director shall deny a license or deny the renewal of a license if, at the time of the filing of an original application or a request for renewal, the finance director has reasonable grounds to believe that an applicant, licensee or controlling person:

1. Has been previously convicted, in any jurisdiction, of a felony or a misdemeanor involving fraud, theft, dishonesty, 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, including but not limited to those relating to possession, sale or other conduct involving marijuana, narcotic drugs, precursor chemicals and prescription drugs), or offenses committed in another jurisdiction, which if committed in Arizona would be in violation of Title 13, Chapter 34, Arizona Revised Statutes within the five-year period immediately preceding the filing of an original application or a request for renewal, whether or not the conviction or convictions have been expunged from court records pursuant to law.

2. Has prepared or filed an application or request for renewal which contains any false or misleading information, 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 article.

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

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

C. Notice shall be given of any denial of a license application, or a request for renewal, in writing, either by hand-delivery or by mail, to the address of record. The notice shall include the reasons for denial of the license or license renewal.

D. Should an applicant be denied a license, the applicant may, within five days of the notice of denial from the director of finance, file a petition for review in the City court. The petition for review shall be as set forth in section 7-460 relating to petitions seeking suspension or revocation of a license, with the exception that the sole basis for the magistrate, special magistrate or limited special magistrate to overturn the decision of the finance director shall be a finding of factual error as to the enumerated grounds for denial of the license contained in this section.

Sec. 7-459. Suspension or revocation; grounds.

The finance director may suspend or revoke any primary or reciprocal alarm business or alarm agent license, when the finance director has reasonable grounds to believe any of the following:

1. The licensee, or any controlling person, has violated any of the grounds for denial of a license.

2. The licensee or any controlling person has failed to comply with the requirements of this article, including failure to provide changes in license information, as required.

3. The licensee has failed to comply with the requirements of this article relating to alarm business or alarm agent responsibilities, false alarms or assessments.

4. The licensee has failed to maintain in good standing all licenses or permits which are required pursuant to this article to hold a primary or reciprocal alarm business license, or alarm agent license, as applicable.

Sec. 7-460. Suspension or revocation procedure; hearing.

A. The director of finance, upon notification by the chief of police or the city attorney that grounds for suspension exist, shall file a written petition for suspension with the City Court, requesting that a time and place be set for a hearing and specifying the grounds for suspension per section 7-459.

B. Within five (5) days of receipt of a petition, a magistrate, special magistrate or limited special magistrate shall schedule a hearing, which shall be conducted within fifteen (15) days of the receipt of the petition to suspend or revoke. The magistrate, special magistrate or limited special magistrate shall notify the parties in the manner provided in section F and shall state the grounds relied upon for the proposed suspension.

C. Should the licensee fail to appear at the hearing, a default judgment of suspension shall be entered.

D. A record shall be kept of all proceedings. The Arizona Rules of Evidence shall not apply. Any evidence offered shall be admitted subject to a determination by the magistrate, special magistrate or limited

special magistrate that the offered evidence is relevant and material and has some probative value as to a fact at issue.

E. No license shall be suspended unless grounds therefore are established by a preponderance of the evidence. The magistrate, special magistrate or limited special magistrate shall provide the licensee and other parties written notice of the decision within five (5) days, pursuant to subsection (b) of this section. The magistrate, special magistrate or limited special magistrate's signing of the written notice of the decision shall effect the suspension of a license.

F. A licensee's right to operate an alarm company or act as an alarm agent under authority of the license shall terminate immediately upon giving or mailing to the licensee a copy of the signed decision suspending the license; except that the suspension may be stayed by the Superior Court pending a timely appeal of the decision by Special Action. Such appeal must be filed within ten (10) days after the decision to suspend is signed unless the decision is mailed, in which case the appeal must be filed no late than fifteen (15) days after entry of the decision. The appellee shall bear the cost of preparing the record of appeal. If an appeal is not timely made, the suspension becomes final.

G. Notices required by this article shall be served by certified mail to the licensee's attorneys or to the licensee at the address as shown on the licensee's license, or by personal service.

Sec. 7-461. Suspension or revocation; notice to reciprocal licensors.

The finance director shall transmit, by facsimile, notice of the suspension or revocation, when such action is final, to all counties, cities, and towns listed on the licensee's application. The suspension or revocation of a primary alarm business license shall result in the same action being taken as to all reciprocal alarm business licenses which are derived from that primary alarm business license.

Sec. 7-462. Application after denial, suspension or revocation of license.

No person, association, firm, corporation or other legal entity may apply for any license required under this article within one 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 finance director, 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 nonmaterial reason.

Sec. 7-463. Termination and cancellation of license; notice.

A. An alarm agent who terminates employment with an alarm business shall immediately surrender the alarm agent license to the finance director.

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

C. An alarm business may cancel an alarm business license by filing a notice of cancellation of the license with the finance director. 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 licenses have been issued and are active. Reciprocal alarm business licenses shall be canceled as of the effective date of the cancellation of the primary alarm business license, unless the licensee requests the license be cancelled sooner.

Sec. 7-464. Violation.

It shall be unlawful for any person to violate any provision of this article, or to operate or act as an alarm company, monitoring company or alarm agent on a revoked or suspended license or without a license. Each day the violation continues shall constitute a separate offense.

SECTION 2. Tucson Code Section 11-2 is subdivided and renumbered as Sections 11-2.1 through 11-2.8, and amended to read as follows:

Sec. 11-2.1. Purpose and Intent.

This section is intended to encourage the improvement in reliability of alarm systems and devices to reduce the incidence of false alarms at businesses and residential structures, thereby ensuring that police personnel will not be diverted from responding to actual criminal activity.

Sec. 11-2.2, Definitions.

The definitions provided in Section 7-450 of this code shall apply to this section.

Sec. 11-2.3. Alarm User Duties.

A. The alarm user 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.

B. The alarm user shall conspicuously place on the premises a notice identifying the alarm company or service to whom the premises subscribes or a notice, using a form provided by the police department, designed to allow notification of a responsible party and at least one (1) alternate person available to respond to an alarm activation.

C. When requested by the police, the alarm user must respond or 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.

D. The alarm user shall ensure that the alarm or alarm system is maintained in good working order and take reasonable measures to prevent the occurrence of false alarms.

E. An alarm user shall ensure that the mechanism is adjusted and maintained so that an alarm signal audible on the exterior of an alarm site will sound no longer than fifteen (15) minutes after being activated. The police department is authorized to take necessary steps to disable the signal.

Sec. 11-2.4. Alarm business and monitoring company duties.

Alarm businesses and monitoring companies shall:

A. After July 1, 2004, install only alarm control panels which meet the SIA control panel standard CP-01.

B. Provide written and oral instructions to each alarm user in the proper use and operation of the alarm system. Such instruction shall specifically include all instructions necessary to turn the alarm system on and off and to avoid false alarms.

C. Inform each alarm user about this ordinance.

D. Verify all alarm activations before contacting the police department.

E. Maintain a record for a one-year period following notification of the name and phone number of the person notified of the alarm activation, and of the time notification was given.

F. After July 1, 2004, install only dual-action button holdup devices whenever installing a push button hold-up alarm.

Sec. 11-2.5. Violations; Excessive false alarms and false hold-up, duress and panic alarms prohibited.

A. It shall constitute a civil infraction for any:

1. Person, alarm user, alarm business, monitoring company or alarm agent to violate any provision of this article.

2. Alarm business, monitoring company or alarm agent to activate a false alarm.

3. Person to own, purchase, lease, contract for, or otherwise generate or activate a panic, holdup or duress alarm when no emergency actually exists.

4. Person to own, purchase, lease, contract for, or otherwise obtain or operate an alarm system which has three (3) or more false alarms within a consecutive 365-day period. Each subsequent false alarm occurring within the 365-day period shall constitute a separate infraction.

Sec. 11-2.6. Penalties; Procedure.

A. A person found responsible for violating any provision of this article shall be punished in accordance with this section and the procedures set forth in section 8-6.1 of this Code.

B. A person found responsible for a violation of section 11-2.5(A)(3) shall pay a minimum penalty as follows:

First false panic, holdup or duress alarm within 365 days	$ 265
Second false panic, holdup or duress alarm within 365 days	$ 565
Each additional false panic, holdup or duress alarm within 365 days	$1,065

C. A person found responsible for a violation of section 11-2.5(A)(4) shall pay a minimum penalty as follows:

Third false alarm	$ 165
Fourth false alarm	$ 265
Fifth false alarm	$ 465
Sixth false alarm	$ 865
Seventh false alarm	$ 1,665
Each additional false alarm	$ 2,465

D. A person found responsible for the first false alarm civil infraction under section 11-2.5(A)(3) or (4) shall have the civil infraction dismissed upon proof to the court, within ninety (90) days of the initial appearance date, of attendance at an alarm user awareness class which has been approved by the police department.

E A report from the police department documenting a police response to an alarm and an investigation which revealed no evidence of a criminal act, unlawful entry, or emergency as defined in this section shall constitute prima facie evidence of a false alarm.

Sec. 11-2.7. Grace Period.

Newly installed and reinstalled alarm systems shall not be subject to the provisions of those sections relating to the counting and assessment of false alarms for a period of thirty (30) days from the date the alarm system becomes operational, if the alarm user notifies the chief of police 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 and the responsible party for the alarm and at least one alternate person.

Sec. 11-2.8. Exemptions.

The provisions of this section shall not be applicable to audible alarms affixed to automobiles.

SECTION 3. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

SECTION 4. Enforcement of Code sections 7-450 through 7-464, as set forth in this ordinance, shall be delayed until January 1, 2005. Enforcement of Code sections

11-2.1 through 11-2.8, as set forth in this ordinance, shall be delayed until September 5, 2004.

SECTION 5. WHEREAS, it is necessary for the preservation of the peace, health, and safety of the City of Tucson that this ordinance become immediately effective, an emergency is hereby declared to exist and this ordinance shall be effective upon its passage and adoption.

PASSED, ADOPTED, AND APPROVED by the Mayor and Council of the City of Tucson, Arizona, MAY 2 4 2004

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

REVIEWED BY:

CITY MANAGER

BG

04/29/2004 10:40 AM

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