

## CHAPTER 15

### ALARM SYSTEMS

(1758, 1993, 2466, 2540, 3106, 4111, 5079)

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#### **6-15-1: APPLICABILITY: (4111, 5079)**

This Chapter is intended to regulate the activities and responsibilities of those persons who purchase, lease, or rent and those persons who own or conduct the business of selling, leasing, renting, maintaining, or monitoring alarm systems, devices, or services. It is further intended to encourage the improvement in reliability of those systems, devices, and services and to ensure that Police Department personnel will not be unduly diverted from responding to actual criminal activity as a result of responding to false alarms. This Chapter specifically encompasses "burglar alarms" and "robbery/panic" alarms, both audible and inaudible (silent). Specific exclusions and exceptions will be detailed within this Chapter. (4111, 5079)

**6-15-2: DEFINITIONS: (4111, 5079)**

Except where otherwise indicated by the context, the following definitions shall apply in the interpretations and enforcement of this Chapter: (4111)

**ALARM OR ALARM SYSTEM:** Any mechanical or electrical device which is used to detect unauthorized entry into a building or other premises or to alert others of the occurrence of the commission of an unlawful act against a person or within a building or other premises, and that may be designed to emit an audible alarm, and/or transmit a signal or message when activated. Alarm or alarm system includes, but is not limited to, silent, panic, holdup, robbery, duress, burglary, and proprietor alarms. (4111, 5079)

**ALARM AGENT:** Any person who is employed by an alarm business, either directly or indirectly, whose duties include any of the following: maintaining, servicing, or repairing any alarm or alarm system in or on any building, place, or premises. Any person whose duties consist solely of resetting an alarm following activation shall not be deemed to be an alarm agent. (4111)

**ALARM BUSINESS:** The business by an individual, partnership, corporation, or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, installing, or monitoring an alarm or alarm system in or on any building, structure, or facility. (4111)

**ALARM SITE:** A single fixed premises or location served by an Alarm System or Systems. Each Unit, if served by a separate Alarm System in a multi-unit building or complex, shall be considered a separate Alarm Site unless owned and/or operated by one entity. (5079)

**ALARM USER:** Any person, firm, partnership, corporation, or business who (which) leases, rents, purchases, or uses any monitored or proprietor alarm, alarm system, device, or service. (4111)

**AUDIBLE ALARM:** A device designed for the detection of an unauthorized entry of premises and which, when activated, generates an audible sound on the premises. (4111)

**AUTOMATIC DIALER:** Any electrical, electronic, mechanical or other device capable of being programmed to send a prerecorded voice message, when activated or if self-activated, over a telephone line, radio or other communication system, to the City of Mesa. (5079)

**COMMON CAUSE:** A common technical difficulty or malfunction which causes an alarm system to generate a series of false alarms, all of which occur within a twenty-four (24) hour period. The series of false alarms shall be counted as one false alarm only if the cause of the series of false alarms is repaired within 72 hours and/or before it generates additional false alarms, documentation of the repair is provided to the Coordinator, and during the thirty-day period following the repair, the alarm system generates no additional false alarms from the documented cause. (4111, 5079)

**COORDINATOR:** The Chief of Police of the Mesa Police Department or the individual designated by the Chief of Police to enforce the provisions of this Chapter. (4111)

**ENHANCED CALL VERIFICATION:** A monitoring procedure requiring that a minimum of two calls be made prior to making an alarm dispatch request. The two calls must be made to different phone numbers where a responsible party can typically be reached. (5079)

**FALSE ALARM:** An alarm notification to the Police Department when the responding officer finds no evidence of a criminal offense or attempted criminal offense. Excluded from this definition are: (4111)

- (A) Alarms occurring during electrical storms, hurricanes, tornados, blizzards, and acts of God; or (4111)
- (B) The intermittent disruption or disruption of the telephone circuit beyond the control of the alarm company and/or alarm user; or (4111)
- (C) Electrical power disruption or failure; (4111)

**LICENSING AUTHORITY:** The City of Mesa Tax and Licensing Division or the Police Department, as applicable, who has the authority to issue licenses or permits pursuant to this Chapter or the Reciprocal Alarm Licensing Ordinance of another city or town. (4111)

**MOBILE PANIC ALARM/BUTTON:** Any mobile, mechanical or electronic device that can be worn or carried by a person, designed so that a person may intentionally activate it to summon police assistance. (5079)

**MONITORED ALARM:** A device designed for the detection of an unauthorized entry into premises and which, when activated, generates an audible or inaudible signal to a monitoring station. (4111, 5079)

**PERSON:** An individual, firm, partnership, joint venture, association, corporation, estate, trust, or any other group or combination acting as a unit and the plural as well as the singular number. (4111)

**PRIMARY ALARM BUSINESS LICENSE:** 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. (4111)

**PROPRIETOR ALARM:** Any alarm or alarm system which is not leased or rented from or owned or maintained under contract by an alarm business. (4111)

**RECIPROCAL ALARM BUSINESS LICENSE:** 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. (4111)

**RECIPROCAL ALARM LICENSING ORDINANCE:** An ordinance that is substantially the same in its material terms to the reciprocal alarm licensing provisions codified in this Article and that is intended by the adopting jurisdiction to be recognized as being reciprocal with alarm licensing ordinances adopted by other cities and towns in this State. Minor or non-material variations that are enacted in a particular city or town to accommodate local conditions or needs shall not affect the reciprocal nature of the Ordinance. (4111)

**RESPONSIBLE PARTY:** A person to be notified when an alarm system is activated, as designated by an alarm user. (5079)

**ROBBERY/PANIC ALARM OR BURGLARY ALARM SYSTEM:** Any mechanical or electrical device designed so that a person may intentionally activate it to summon Police assistance. (4111)

**6-15-3: ALARM BUSINESS DUTIES: (4111, 4419, 5079)**

The duties of an alarm business shall be as follows: (4111)

- (A) To install an alarm system compatible with the environment, to take reasonable measures to prevent the occurrence of false alarms, and, if it has agreed to provide maintenance or repair service to the system, to service the system within seventy-two (72) hours of a request for service. The alarm business shall not install a single action non-recessed button as a device to activate a panic alarm. (4111)
- (B) To instruct each of its alarm users and/or the principal occupants of the buildings or premises protected by an alarm system in the proper operation of the system. Such instruction will specifically include all necessary instructions in turning the system on and off and in avoiding false alarms. (4111)
- (C) To provide each purchaser and user with a City of Mesa alarm user permit application. (4111)
- (D) Upon leasing or renting an alarm system: (4111)
  - 1. To conspicuously place on the premises a tag identifying the pertinent alarm business, including the telephone number to call when the alarm has been activated. (4111)
  - 2. To maintain current records of the location of these alarm systems, devices, or services and the name and telephone number of the persons and alternate to be notified whenever the alarm is activated. (4111)
  - 3. To inactivate or cause to be inactivated any audible alarm within twenty (20) minutes of the notification of its activation. (4111)
- (E) Upon monitoring an alarm system: (4111)
  - 1. To establish a central receiving station in order to monitor these alarm systems. (4111)
  - 2. To organize its central receiving station in order to be able to readily and positively identify the type of alarm, i.e., burglary, or robbery, and the location of the alarm if there is more than one (1) system. (4111)
  - 3. The central receiving station shall attempt to contact the alarmed location and/or the alarm user, and two (2) attempts shall be made either to different numbers or locations, by telephonic or other electronic means on every alarm signal - except that no attempts shall be required on a robbery/panic alarm activation - whether or not actual contact with a person is made, before requesting police response to an alarm system signal. (4419)
  - 4. To maintain current records as to each of these alarms or alarm systems, which shall include the alarm permit number, the name of the owner or occupant of the premises, the name and telephone number of the user or primary person and at least one (1) alternate responsible for responding to the premises when the alarm is activated, and information concerning whether the alarm system includes an audible alarm. (4111,4419)
  - 5. To make notification of activated alarm systems in the manner prescribed by the Coordinator, including the alarm permit number, suite or apartment number, and such other reasonable information concerning the alarm system as the Coordinator may request. (4111,4419)

6. To arrange, upon request, for either the alarm user, alarm agent, or other responsible representative to go to the premises of an activated alarm system in order to be available to assist the police in determining the reason for activation and securing the premises. In no event shall there be unreasonable delay in arriving at the location of the alarm. (Thirty [30] minutes shall be deemed as reasonable.) If the Police depart the premises prior to the arrival of the user, alarm agent, or other responsible representative, then the user, alarm business, or proprietor may document their required response through telephonic notification of the Police Department upon their arrival at the location of the alarm signal. In the event this requirement is not met and the police are unable to determine the reason for the activation, such activation shall be deemed a false alarm. (4111, 4419, 5079)
- (F) To cease responsibility for an alarm system pursuant to this Chapter, the alarm business shall promptly notify the Police Department in the event the alarm business ceases to lease, rent, maintain, service, or monitor any alarm system. Said notice shall be sent within ten (10) days. (4111)
- (G) Alarm businesses which sell alarms but do not monitor, maintain, lease, service, or install alarms or alarm systems shall not be subject to Subsections (A), (B), (C), (D), (E), or (F) of this Section but shall be responsible for instructing each person who purchases an alarm or alarm system in the proper use and operation of the alarm. Each instruction will specifically include all necessary instructions in turning off said alarm(s) and in avoiding false alarms. (4111)
- (H) An Alarm Company shall provide the Alarm Coordinator with a customer list in a format acceptable to the Alarm Coordinator, upon request, to assist the Alarm Coordinator with creating the law enforcement's tracking data. (5079)
- (I) The Alarm Business shall complete and sign the City of Mesa Alarm Information Checklist with the proprietor or alarm user and submit the form as required below. The form must be signed by an alarm company representative and the alarm user or proprietor before submission to the Police Department. The Alarm Business shall submit the form, in the manner prescribed by the Coordinator, to the Police Department within 10 days of commencement of service for the alarm system. (5079)

**6-15-4: ALARM USER DUTIES: (4111)**

The duties of an alarm user shall be as follows: (4111)

- (A) To instruct all personnel who are authorized to place the system or device into operation in the appropriate method of operation. (4111)
- (B) To inform personnel who are authorized to place the alarm system into operation of the provisions of this Chapter, emphasizing the importance of avoiding false alarms. A current copy of the provisions of this Chapter shall be maintained on the premises and be made available to persons who are authorized to place an alarm system into operation. (4111)

**6-15-5: PROPRIETOR'S ALARM RESPONSIBILITIES: (4111)**

The duties of a proprietor shall be as follows: (4111)

- (A) To be familiar with the provisions of this Chapter. (4111)
- (B) To maintain the alarm or alarm system in good working order and take reasonable measures to prevent the occurrence of false alarms. (4111)

- (C) To notify the Police Department of the name, address, and telephone number of the primary person and at least one (1) alternate to be notified in case the alarm is activated, unless the alarm system is not audible and is monitored at a remote location. (4111)
- (D) Upon the purchase of any alarm system device or service which includes an audible alarm: (4111)
1. To notify the Police Department of the name, address, and telephone number of the primary person and at least one (1) alternate who should be notified when the alarm is activated. (4111)
  2. To inactivate or cause to be inactivated the alarm system within twenty (20) minutes of notification of its activation. (4111)

**6-15-6: ALARM USER PERMIT REQUIREMENTS: (4111, 4419, 5079)**

- (A) Every alarm user shall apply for and receive an alarm permit from the Mesa Police Department. Application shall be made to the Mesa Police Department Alarm Unit for a permit within 30 days of the installation date of an alarm system. Users of alarm systems having both robbery/panic and burglary alarm capabilities shall obtain one (1) permit per alarm site. The application for an alarm user's permit shall be made on a form approved by the Coordinator and shall be accompanied by the permit fee as prescribed in Appendix A. All permits issued pursuant to this Section shall be for a period of three hundred and sixty-five calendar days from the date of issue and shall be renewable annually, three hundred and sixty-five calendar days from the original date of issue or renewal, as applicable, and subject to a permit renewal fee as prescribed in Appendix A. An alarm user's permit shall be available within the premises protected by the alarm and shall be available for inspection by the Mesa Police Department. Permits are not transferable from one user to another user or from one address to another address. (4111, 4419, 5079)
- (B) Alarm systems operated by the County, State, or Federal government and installed on premises such entity occupies or uses for governmental purposes, and State public school (non-charter and charter) buildings and facilities, as well as accredited private schools offering curriculum between kindergarten and twelfth (12th) grade, shall not be subject to payment of fees pursuant to this Section. (4111, 4339)

**6-15-7: ALARM BUSINESS LICENSE REQUIREMENTS; ADMINISTRATION; DURATION; DUPLICATE LICENSE: (4111, 5079)**

- (A) It shall be unlawful for any person to conduct, operate, or 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. A separate license is required for each business name under which an alarm business conducts business or advertises. In the event that the licensing authority has reasonable cause to believe that an alarm business does not have a valid alarm business license as required or that a person is engaged in the alarm business without a valid alarm business license, the licensing authority or its designee, with the assistance of the Police Department, shall issue a warning to the alarm business stating that it is in violation of the Mesa City Code ordinance. The warning shall direct the alarm business to apply for an alarm business license within ten (10) calendar days of the date of the warning. The alarm business receiving such a notice shall not engage in the alarm business until an alarm business license is issued. (4111)
- (B) The duty of prescribing forms is vested in the licensing authority. License application shall be submitted to the licensing authority, which shall have the authority to issue, deny, suspend, or revoke a license. (4111)

- (C) The license required shall be in addition to any other licenses or permits required by the City, County, or State in order to engage in business, including the City zoning laws, as may be required to be licensed. Failure of any applicant or licensee, as applicable, to meet the requirements of Subsection (C) shall be grounds for denial, suspension, or revocation of a license. (4111)
- (D) All licenses issued pursuant to this Chapter shall be for a period of one (1) year from the date of issue and shall be renewable annually, one (1) year from the original date of issue or renewal, and be renewed in accordance with provisions of Section 6-15-12: Renewal of License. (4111)
- (E) Upon written request and the payment of a fee as prescribed in Appendix A, the licensing authority shall issue a duplicate license to a licensee whose license has been lost, stolen, or destroyed. (4111, 5079)
- (F) It shall be unlawful for an alarm business to use or to contract with for purposes of using the service of an unlicensed alarm business or alarm agent. (4111)

**6-15-8: TYPES OF LICENSES; RECIPROCITY: (4111)**

- (A) The types of licenses issued pursuant to this Chapter are as follows: (4111)
  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. (4111)
  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 Section. (4111)
  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. (4111)

**6-15-9: ALARM BUSINESS LICENSE APPLICATIONS; CONTENTS: (4111)**

- (A) All applications for alarm business licenses(s) shall include the following: (4111)
  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 (1) 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 the information required of a corporation shall apply. (4111)

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 (1) 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 their corporation, partnership, or limited liability company formation documents. (4111)
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. (4111)
4. The names and addresses of the alarm agents employed by the alarm business. (4111)
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. (4111)
6. Proof that the applicant, and each controlling person, is at least eighteen (18) years of age, as indicated on a current driver's license with picture, or other picture identification document issued by a governmental agency. (4111)
7. Height, weight, color of eyes and hair, and date of birth of the applicant and each controlling person. (4111)
8. Two (2) current two-inch by two-inch (2" x 2") photographs of the applicant and each controlling person. (4111)
9. The employment history of the applicant and each controlling person for the five- (5-) year period immediately preceding the date of the filing of the application. (4111)
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(s) for the revocation, cancellation, or suspension. (4111)
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'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 *nolo contendere* 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. (4111)
12. For initial and renewal applications for primary alarm business licenses only, one (1) full set of fingerprints on fingerprint cards, or fingerprint data, as specified in Section 6-15-19: Background Investigation; Fingerprints, 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. (4111)



13. Copies of the State of Arizona Registrar of Contractor's C-11, C-12, or L-67 license, as applicable, or a copy of the K-67 license for combined residential and commercial, issued to the alarm business applicant, and copy of the State of Arizona transaction privilege tax license, if applicable. (4111)
  14. A list of all Arizona counties, cities, and/or towns where the applicant conducts business. (4111)
  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. (4111)
  16. A copy of a valid primary alarm business license if the application is made for an original or renewal reciprocal alarm business license. (4111)
  17. Such other information, evidence, statements, or documents as may be deemed by the licensing authority to be reasonably necessary to process and evaluate the application or renewal. (4111)
- (B) Applicants for primary or reciprocal alarm business licenses, or applicants for renewal of any such licenses, shall notify the licensing authority, in writing, of any change in the information contained in the license application or renewal application. Notification shall be given to the licensing authority within fifteen (15) calendar days of the occurrence of the change. (4111)

**6-15-10: ALARM AGENT LICENSE APPLICATIONS: (4111)**

- (A) An alarm agent license application and an alarm agent license renewal application shall include the following information about the applicant: (4111)
1. The name of the applicant and any alias or other name, used by the applicant or by which the applicant has previously been known, his or her current residence and business addresses, telephone numbers, including facsimile numbers, and e-mail addresses, if applicable. (4111)
  2. The name, business address, and business telephone number of the alarm business where the applicant is or will be employed. (4111)
  3. Proof that the applicant is at least eighteen (18) years of age, as indicated on a current driver's license with picture, or other picture identification document issued by a governmental agency. (4111)
  4. Height, weight, color of eyes and hair, and date of birth of the applicant. (4111)
  5. Two (2) current two-inch by two-inch (2" x 2") photographs of the applicant. (4111)
  6. The applicant's business and/or employment history for the five- (5-) year period immediately preceding the date of the filing of the application. (4111)
  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(s) for the revocation, cancellation, or suspension. (4111)

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 *nolo contendere* 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. (4111)
  9. One (1) full set of fingerprints on fingerprint cards, or fingerprint data, as provided in Section 6-15-19: Background, Investigation; Fingerprints. 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. (4111)
  10. A list of all Arizona counties, cities, or towns where the applicant conducts business. (4111)
  11. Such other information, evidence, statements, or documents as may be deemed by the licensing authority to be reasonably necessary to process and evaluate the application or renewal. (4111)
- (B) Applicants for alarm agent licenses, or applicants for renewal of such licenses, shall notify the licensing authority, in writing, of any change in the information contained in the license application or renewal application. Notification shall be given to the licensing authority within fifteen (15) calendar days of the occurrence of the change. (4111)

**6-15-11: FEES; DISPLAY OF LICENSES: (4111, 5079)**

- (A) All license application fees, as prescribed in Appendix A, shall accompany the initial application or renewal application. All licensing fees are non-refundable, non-transferable, and will not be separated. (4111, 5079)
- (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 office or station. (4111)
- (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. (4111)

**6-15-12: RENEWAL OF LICENSE: (4111)**

- (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 6-15-9: Alarm Business License Applications; Contents, and Section 6-15-10: Alarm Agent License Applications, 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. (4111)
- (B) Applications for license renewal shall be filed with the licensing authority 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. (4111)

**6-15-13: ISSUANCE; GROUNDS FOR DENIAL: (4111)**

- (A) The licensing authority 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: (4111)
1. All application requirements have been met, including any criminal history background checks and fingerprint requirements. (4111)
  2. All fees have been paid in full. (4111)
  3. No grounds for denial listed in this Section exist. (4111)
- (B) The licensing authority 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 licensing authority has reasonable grounds to believe that an applicant, licensee, or controlling person: (4111)
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 Arizona Revised Statutes Title 13, Chapter 34, within the five- (5-) year period immediately preceding the filing of an original application or a request for renewal, whether or not the conviction(s) have been expunged from court records pursuant to law. (4111)
  2. Has prepared or filed an application or request for renewal which contains 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 Section. (4111)
  3. Has had a license relating to alarm businesses or agents, as applicable, or a license of similar character, issued by the city of another authority, suspended, canceled, or revoked within the five- (5-) year period immediately preceding the date of the filing of the application. (4111)
  4. Is not a United States citizen or lawful permanent resident alien or an alien who is authorized to work by the United States Department of Justice Immigration and Naturalization Service. (4111)
  5. 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 Section. (4111)
- (C) Notice shall be given of any denial of a license application, or a request for renewal, in writing, and 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. (4111)

**6-15-14: LICENSE SUSPENSION OR REVOCATION; GROUNDS: (4111)**

- (A) The licensing authority may suspend or revoke any primary or reciprocal alarm business or alarm agent license, when the licensing authority has reasonable grounds to believe any of the following: (4111)
1. The licensee, or any controlling person, has violated any of the grounds for denial of a license, as described in Section 6-15-13(B): Issuance; Grounds for Denial. (4111)
  2. The licensee or any controlling person has failed to comply with the requirements of this Section, including failure to provide changes in license information, as required. (4111)
  3. The licensee has failed to comply with the requirements of Section 6-15-3: Alarm Business Duties, as specified for alarm business or alarm agent responsibilities and false alarms. (4111)
  4. The licensee has failed to maintain in good standing all licenses or permits that are required pursuant to this Section to hold a primary or reciprocal alarm business license, or alarm agent license, as applicable. (4111)

**6-15-15: LICENSE SUSPENSION OR REVOCATION PROCEDURE: (4111)**

- (A) The licensing authority shall give notice of its intent to suspend or revoke a license. Notice shall be given in writing, either by hand-delivery or by mail, to the address of record. The notice shall include the reasons for the suspension or revocation. (4111)
- (B) The licensing authority 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. (4111)

**6-15-16: LICENSE REVIEW AND APPEALS: (4111)**

- (A) Any person wanting to appeal a decision with respect to either the denial of an application for a license, or renewal, or the suspension or revocation of a license, which is subject to this Section, is entitled to the review and appeal procedures in accordance with this Code. (4111)

**6-15-17: APPLICATION AFTER DENIAL OR REVOCATION OF LICENSE: (4111)**

- (A) No person, association, firm, corporation, or other legal entity may apply for any license required under this Chapter within one (1) 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 licensing authority, 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 non-material reason. (4111)

**6-15-18: TERMINATION AND/OR CANCELLATION OF LICENSE; NOTICE: (4111)**

- (A) An alarm agent who terminates employment with an alarm business shall immediately surrender his or her alarm agent license to the licensing authority. (4111)
- (B) An alarm agent who terminates his employment with an alarm business to change employment to another alarm business licensee shall notify the licensing authority of the transfer, in writing, within fifteen (15) calendar days of the change in employment. (4111)
- (C) An alarm business may cancel an alarm business license by filing a notice of cancellation of the license with the licensing authority. 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 canceled sooner. (4111)

**6-15-19: BACKGROUND INVESTIGATION; FINGERPRINTS: (4111)**

- (A) As a condition of the issuance of licenses pursuant to this Chapter, the licensing authority shall require each applicant and controlling person to furnish one (1) full set of fingerprints, or fingerprint data, to enable the licensing authority to conduct a criminal background investigation to determine the suitability of the applicant or controlling person. (4111)
- (B) The licensing authority 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. (4111)

**6-15-20: FALSE ALARMS; PENALTY ASSESSEMENTS AND PERMIT REVOCATION: (4111, 4419, 5079)**

- (A) Any robbery/panic alarm system, whether permitted or not, which has more than one (1) false alarm within a three hundred and sixty-five-calendar-day-period shall be subject to penalty assessments as prescribed in Appendix A. (4111, 5079)
  1. If a second false alarm within a three hundred and sixty-five-calendar-day-period for any robbery/panic alarm system is recorded, the Coordinator shall notify the alarm user by regular mail and direct that the user pay to the City a penalty assessment, as prescribed in Appendix A, within sixty (60) days of receipt of the notice of excessive false robbery/panic alarms. (4111, 5079)
  2. If a third and/or any subsequent false alarm within the same three hundred and sixty-five-calendar-day-period for any robbery/panic alarm system is recorded, the Coordinator shall notify the alarm user by regular mail and direct that the user pay to the City a penalty assessment per occurrence, as prescribed in Appendix A, within sixty (60) days of receipt of the notice of excessive false robbery/panic alarms. (4111, 5079)

- (B) Any burglary alarm system that has one recorded false alarm within a three hundred and sixty-five-calendar-day-period shall be subject to penalty assessments as follows: (4111, 4419, 5079)
1. On the first recorded false alarm within a three hundred and sixty-five-calendar-day-period for any burglary alarm system, the Alarm Coordinator shall notify the alarm user by regular mail and direct that the user pay to the City a penalty assessment, as prescribed in Appendix A, within sixty (60) days of the receipt of the false alarm notice. This assessment shall be waived if the alarm user successfully completed the City of Mesa Alarm Awareness class prior to the first recorded false alarm, or if the alarm user successfully completes the class within sixty (60) days after the first recorded false alarm. (4111, 4419, 5079)
  2. If a second false alarm within the same three hundred and sixty-five-calendar-day-period for any burglary alarm system is recorded, the Coordinator shall notify the alarm user by regular mail and direct that the user pay to the City a penalty assessment as prescribed in Appendix A, within sixty (60) days of receipt of the notice of excessive false alarms. (4111, 4419, 5079)
  3. If a third false alarm within the same three hundred and sixty-five-calendar-day-period for any burglary alarm system is recorded, the Coordinator shall notify the alarm user by regular mail and direct that the user pay to the City a penalty assessment, as prescribed in Appendix A, within sixty (60) days of receipt of the notice of excessive false alarms. (4111, 4419, 5079)
  4. If a fourth false alarm within the same three hundred and sixty-five-calendar-day-period for any burglary alarm system is recorded, the Coordinator shall notify the alarm user by regular mail and direct that the user pay to the City a penalty assessment, as prescribed in Appendix A, within sixty (60) days of receipt of the notice of excessive false alarms. (4111, 4419, 5079)
  5. If a fifth false alarm within the same three hundred and sixty-five-calendar-day-period for any burglary alarm system is recorded, the Coordinator shall notify the alarm user by regular mail and direct that the user pay to the City a penalty assessment, as prescribed in Appendix A within sixty (60) days of receipt of the notice of excessive false alarms. (4419, 5079)
  6. If a sixth false alarm within the same three hundred and sixty-five-calendar-day-period for any burglary alarm system is recorded, the Coordinator shall notify the alarm user by regular mail and direct that the user pay to the City a penalty assessment, as prescribed in Appendix A within sixty (60) days of receipt of the notice of excessive false alarms. (4419, 5079)
  7. If a seventh false alarm within the same three hundred and sixty-five-calendar-day-period for any burglary alarm system is recorded, the Coordinator shall notify the alarm user by regular mail and direct that the user pay to the City a penalty assessment, as prescribed in Appendix A within sixty (60) days of receipt of the notice of excessive false alarms. Any subsequent false alarms within the same three hundred and sixty-five-calendar-day-period shall be assessed, as prescribed in Appendix A for each occurrence. (4419, 5079)
- (C) Multiple false alarms generated in a twenty-four- (24-) hour period by a common cause shall be deemed to be one (1) false alarm for assessment purposes. (4111)

- (D) Any alarm system which has ten (10) or more false alarms within a three hundred and sixty-five-calendar-day-period shall also be subject to permit revocation. (4111, 5079)
1. If ten (10) or more false alarms within a three hundred and sixty-five-calendar-day-period for any alarm system are recorded, the Coordinator shall notify the alarm user by certified mail of such fact and shall direct that the alarm user, within ten (10) days of receipt of the notice of excessive false alarms, submit a report to the Coordinator describing the actions taken or to be taken to discover and eliminate the cause of the false alarms. A copy of the notification shall be sent by regular mail to the alarm business providing service or inspection to the user. (4111, 5079)
- (E) If the alarm user submits a report as directed, the Coordinator shall determine if the actions taken or to be taken will prevent the reoccurrence of false alarms. The Coordinator shall notify the alarm user in writing that the permit will not be revoked at that time and that if subsequent false alarms occur within the three hundred and sixty-five-calendar-day-period, the permit may be summarily revoked. (4111, 5079)
- (F) If no report is submitted as required or if the Coordinator determines that the actions taken or to be taken by the alarm user will not prevent the reoccurrence of false alarms, the Coordinator shall give notice by certified mail to the alarm user that the permit will be revoked without further notice on the tenth (10th) day after the date of the notice. (4111)
- (G) If the alarm user fails to pay the penalty 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's permit through written notification mailed to the alarm user by certified mail, which notification shall be effective on the third (3rd) day following the mailing of said notice of revocation. The Coordinator shall have the authority to summarily revoke an alarm user's permit for failure to pay a penalty assessment. (4111)
- (H) An alarm user whose permit has been revoked shall be immediately furnished written notification by certified mail of such revocation and shall within three (3) days after the furnishing of such written notification discontinue the use of the alarm system with respect to which a permit has been revoked. It shall be unlawful for any alarm user to fail to disconnect such system within three (3) days after written notification has been furnished advising the alarm user of the revocation of the alarm user permit, and such failure shall subject the alarm user to the penalties hereinafter provided. (4111)
- (I) For purposes of any written notification to be provided under the terms of this Chapter, such notice shall be effective if the same is mailed by certified mail addressed to the alarm user at the address furnished to the Coordinator in connection with a permit application or at such other address as the alarm user may furnish in writing to the Mesa Police Department, and such notice shall be effective if mailed to the alarm business at the address provided to the Coordinator in connection with the filing of alarm user instructions or, alternatively, to the last known address of said alarm business. Any notice required hereunder shall be effective on the third (3rd) day after the notice has been deposited in the United States Certified Mails with sufficient postage attached. Failure to mail notice to an alarm business shall not impair or invalidate any notice furnished to the alarm user. (4111)

- (J) An alarm user whose alarm permit has been revoked may have it reinstated by paying all overdue assessments, submitting a corrective report detailing the corrective action taken with proof of inspection for malfunctions attached, and paying a reinstatement fee as prescribed in Appendix A. (4111, 5079)
- (K) Any alarm company that fails to comply with alarm business duties as outlined in this Chapter is subject to penalty assessments as prescribed in Appendix A. (5079)
- (L) Any alarm user that is found to be operating an alarm system without a valid alarm permit is subject to penalty assessments as prescribed in Appendix A. (5079)

**6-15-21: GENERAL REGULATIONS: (4111, 5079)**

- (A) Each alarm system shall be inspected and serviced by the permittee at least once in each twelve (12) month period. Records shall be maintained by the permittees for each system showing dates of inspection and the name of the person making such inspection. Records shall be kept for a minimum of two (2) years and be open to the Police Chief or his designee on his request upon twenty-four (24) hours' notice. (4111, 5079)
- (B) It shall be unlawful for any person to intentionally activate any robbery panic or robbery alarm for any reason other than to warn of an actual robbery or to intentionally activate any burglar alarm for any reason other than to warn of an unauthorized entry into an alarm-protected premises. This Subsection shall not apply to the testing of alarm systems when the testing has been done in accordance with the prescribed guidelines set by the Police Department and when the Police Department has been given advance notice of such testing. (4111)
- (C) No person or business who (which) purchases, leases, rents, or uses an audible alarm system, device, or service which is not connected to a central receiving station (of an alarm business) shall allow said alarm to sound in excess of twenty (20) minutes. (4111)
- (D) No person shall use or cause to be used any Automatic dialing device or device attachment that automatically selects a public primary telephone trunk line of the City of Mesa and then reproduces any prerecorded message or signal. (5079)
  1. Within sixty (60) days after the effective date of this Chapter, all existing automatic dialing devices programmed to select a public primary telephone trunk line of the City of Mesa and then reproduce any prerecorded message or signal shall be disconnected. (5079)

**6-15-22: UNLAWFUL ACTS AND PENALTIES: (4111, 5079)**

- (A) In addition to the unlawful acts hereinabove specified, it shall be unlawful for any alarm user to install an alarm system for use within the City without obtaining a permit as required by this Chapter. It shall be unlawful for any alarm user to fail to disconnect an alarm system after the revocation of an alarm user's permit in accordance with the terms and provisions of this Chapter. It shall be unlawful to operate an alarm system without a permit. (4111, 5079)
- (B) Penalty. Any person convicted of a violation of any provision of this Chapter shall be guilty of a misdemeanor and shall be punished by a fine not to exceed two thousand five hundred dollars (\$2,500.00) or by imprisonment not to exceed six (6) months, or by both fine and imprisonment. (4111)



**6-15-23: APPEALS PROCEDURES: (4111, 5079)**

- (A) Any party aggrieved by a decision of the Coordinator made pursuant to Section 6-15-20 may, within ten (10) days of receipt of notice of the decision, appeal to a Hearing Officer so designated by the City Manager. A copy of the appeal request shall be sent to the Coordinator. (4111)
- (B) The request for an appeal shall set forth the specific objections to the decision of the Coordinator, which form the basis of the appeal. (4111)
- (C) The Hearing Officer shall set a time and place for the hearing as soon as practicable. (4111)
- (D) The decision of the Hearing Officer shall be based upon the evidence presented and it shall: (4111):
  - 1. Affirm the decision of the Coordinator, in which case any assessment imposed shall be sustained; or (4111, 5079)
  - 2. Reverse the decision of the Coordinator, in whole or part, in which case no assessment shall be imposed. (4111)

**6-15-24: LIABILITY OF CITY LIMITED: (4111)**

The Police Department shall take every reasonable precaution to assure that alarm notifications received are given appropriate attention and are acted upon with dispatch. Nevertheless, the City shall not be liable for any failure or neglect to respond appropriately upon receipt of an alarm notification or the failure or neglect of any person with a license issued pursuant to the Chapter or with a franchise in connection with the installation and operation of equipment, the transmission of alarm signals, or the relaying of such signals and messages. In the event the City finds it necessary to order the revocation or disconnection of an alarm device, the City shall incur no liability by such action. (4111)

**Appendix A: Fines, Fees and Assessments (5079)**

<b>Alarm Permit</b>	<b>Amount</b>
Burglary Function	\$10
Panic/Holdup Function	\$10
Burglary Function and Panic/Holdup Function	\$20
Revoked Permit Reinstatement Fee	\$25
Operating an Alarm System without a permit	\$100
<b>False Alarm Assessments – Burglary</b>	
1 <sup>st</sup> False Burglary Alarm	\$50
2 <sup>nd</sup> False Burglary Alarm	\$100
3 <sup>rd</sup> False Burglary Alarm	\$150
4 <sup>th</sup> False Burglary Alarm	\$200
5 <sup>th</sup> False Burglary Alarm	\$250
6 <sup>th</sup> False Burglary Alarm	\$300
7 <sup>th</sup> False Burglary Alarm and each subsequent False Alarm	\$400
<b>False Alarm Assessments – Panic and/or Hold-Up</b>	
1 <sup>st</sup> False Panic and/or Hold-Up Alarm	\$0
2 <sup>nd</sup> False Panic and/or Hold-Up Alarm	\$100
3 <sup>rd</sup> False Panic and/or Hold-Up Alarm and each subsequent False Alarm	\$200
<b>Alarm Company Licensing – Initial License Fees</b>	
Primary Alarm Business	\$200
Reciprocal Alarm Business	\$75
Alarm Agent	\$70
Criminal History Investigation – Cost determined by DPS	Current Cost
<b>Alarm Company Licensing – Renewal License Fees</b>	
Primary Alarm Business	\$20
Reciprocal Alarm Business	\$10
Alarm Agent	\$20
Criminal History Investigation – Cost determined by DPS	Current Cost
Duplicate Licensee Fee	\$10
<b>Alarm Company Assessments</b>	
Failure to ECV (civil citation)	\$50
Failure to provide permit number when asking for police response	\$15
Request Dispatch to a location in error	\$75
Failure to Provide Cancel/New Subscriber Lists as required	\$50

(5079)