

ORDINANCE 1743

AN ORDINANCE BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF KINGMAN, ARIZONA, AMENDING CHAPTER 7 OF THE CITY OF KINGMAN CODE OF ORDINANCES BY MODIFYING THE ALARM ORDINANCE.

WHEREAS, the Mayor and Common Council has determined that the public health, safety, and welfare will be promoted by modifying the following provision to the City of Kingman Code of Ordinances;

WHEREAS, the Mayor and Common Council has determined that the modification of the alarm ordinance is required because of HB 2748 concerning the statewide regulation of alarm companies;

NOW THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the City of Kingman, Arizona as follows:

SECTION 1 Chapter 7, Article V of the Code of Ordinances of the City of Kingman, is amended by adding text by bold capitol, to read as follows:

Sec. 7-191 Definitions.

Act of God: An unusual, extraordinary, sudden and unexpected manifestation of the forces of nature, the adverse effects of which can not be prevented by reasonable human care, skill or foresight. Such events include tornadoes, floods, earthquakes, and other similarly violent conditions.

Alarm administrator: The City of Kingman employee charged with the responsibility of administering the City of Kingman alarm ordinance.

Alarm answering service: A business engaged in selling, leasing, installing, maintaining, and monitoring alarm systems within the jurisdiction of the Kingman police department, or within the city limits of Kingman, whether or not said business is located in the City of Kingman.

Alarm subscriber: The person, firm, partnership, association, corporation, company, organization, or other entity in control of any building, structure, or facility that purchases, leases, contracts for, or otherwise obtains an alarm system and thereafter contracts with or hires an alarm answering service to monitor and/or service the alarm device. This does not apply to vehicle alarms.

Alarm system: A device or system used to detect or prevent intrusion, criminal activity or other such emergency situations which, when activated, causes notification to be made, directly or indirectly, to the Kingman police department, or any device or system designed primarily

for the purpose of giving an audible or visual signal of an attempted intrusion, criminal activity or other such emergency.

Audible alarm: An alarm system that gives an audible alarm by means of a bell, whistle, siren, buzzer, or other sound producing device which, when activated, is clearly audible at a distance of fifty (50) feet from the location in which it is mounted.

False alarm: Any alarm signal which elicits a response by the Kingman police department when an emergency situation requiring a police response does not exist. This does not include acts of God or other extraordinary circumstances not reasonably subject to control by the alarm subscriber. Alarms due to power outages in excess of two (2) hours shall not be considered as false alarms. The burden of proof that an alarm was not a false alarm shall be on the alarm subscriber.

Multiple call verification: A procedure in which an alarm answering service makes two (2) or more telephone calls to responsible parties for the purpose of verifying the validity of an alarm prior to notifying the Kingman police department of the alarm.

Responsible party: An individual responsible for responding to an alarm on behalf of an alarm subscriber.

Sec. 7-192 Registration.

(a) Any alarm answering service conducting business within the city limits of the City of Kingman shall possess a valid city business license ~~and be registered with the alarm administrator as an alarm answering service. Alarm answering services shall annually renew their business license and registration.~~

(b) All alarm subscribers shall be registered with the alarm administrator and shall annually renew their registration.

~~(c) Alarm answering services shall be responsible for collecting registration fees from their alarm subscribers and forwarding the fee and subscriber information to the City of Kingman. Subscriber information shall consist of the subscriber name, address, type of structure, type of alarm, names and phone numbers of the responsible parties. All alarm subscribers must provide the name and phone numbers of at least two (2) responsible parties.~~

~~(d) Alarm answering services shall advise the alarm administrator, in writing, of any changes or updates to the subscriber list or to the subscriber information, within five (5) business days.~~

~~(e)~~ (D) The Kingman police department will not respond to alarms from unregistered alarm subscribers, nor respond to requests from ~~unregistered~~ alarm answering services **THAT ARE NOT IN COMPLIANCE WITH ARS 32-122.05.**

Sec. 7-193 Alarm systems.

(a) It shall be the responsibility of each alarm subscriber to ensure that their alarm system is in good working order.

(b) Any audible alarm system shall have an automatic disconnect that silences the system after fifteen (15) minutes. The audible system shall not sound again unless manually reset.

(c) All alarm systems installed after the effective date of the ordinance from which this article derives shall have a power backup capable of providing two (2) hours of power. All existing alarm systems shall be retrofitted with a two (2) hour power backup supply within one (1) year of the effective date of this article.

(d) The alarm answering service shall be responsible for training each alarm subscriber in the use of their alarm system. ~~A written record of the training shall be kept by the alarm answering service and be available for review by the alarm administrator if necessary.~~

Sec. 7-194 Procedures.

(a) In the event that an alarm answering service receives an alarm from one of their subscribers' alarm systems they shall utilize multiple call verification to ensure the validity of the alarm prior to calling the Kingman police department.

(b) Responding officers may request a response by one (1) of the responsible parties. If so requested, a responsible party must arrive at the alarm within twenty (20) minutes.

(c) It shall be a violation of this article for an alarm system to generate a third false alarm within a twelve (12) month period.

Sec. 7-195 Fees/fines.

The alarm subscriber and alarm answering service shall be jointly and severally liable for all fines and fees imposed for violations of this article. The fines and fee are:

Annual registration fee for an alarm answering service	\$100.00
Registration fee for an alarm subscriber	25.00
Annual renewal fee for an alarm subscriber	15.00
First two false alarms in twelve (12) month period	0.00
Third false alarm in twelve (12) month period	25.00
Fourth false alarm in twelve (12) month period	50.00

Fifth false alarm in twelve (12) month period	100.00
Sixth or more false alarm in twelve (12) month period	200.00
Failure of responsible party to respond to alarm	100.00
Audible alarm sounding for more than fifteen (15) minutes	200.00

Sec. 7-196 Appeals.

(a) An alarm subscriber shall be notified in writing of any violation and the associated fine in the event of a violation of this article. The alarm subscriber shall have thirty (30) days to pay the fine to the City of Kingman or to appeal the fine.

(b) Appeals shall be made in writing to the Kingman chief of police. A hearing with the chief of police shall be scheduled within ten (10) days of receipt of the appeal.

SECTION 2 Penalties for violation of Section 7-76 shall be in accordance with Section 1-8 of the Code of Ordinances for the City of Kingman, which reads as follows:

Sec. 1-8 Penalty or sanction.

(a) Any person found guilty of violating a misdemeanor crime shall be sentenced to the following:

(1) Class 1 misdemeanor, up to three (3) years probation, six (6) months jail, and two thousand five hundred dollars (\$2,500.00) in fines;

(2) Class 2 misdemeanor, up to two (2) years probation, four (4) months jail, and seven hundred fifty dollars (\$750.00) in fines;

(3) Class 3 misdemeanor, up to one (1) year probation, thirty (30) days jail, and five hundred dollars (\$500.00) in fines.

(b) Any person found guilty of violating any provision of this city's codes and regulations or amendments thereto, that are not classified as per subsection (a) of this section, shall be guilty of a Class 1 misdemeanor.

(c) Each day that a violation continues shall be a separate offense punishable as described in this section.

(d) Any violation of the provisions of this city's codes and regulations, or amendments thereto, shall also constitute a civil offense, and any person who is served with a civil citation charging such violation and who admits, or is convicted of, such offense shall be liable to pay to the city a civil sanction in an amount not to exceed two hundred fifty dollars (\$250.00).

SECTION 3 If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Mayor and Common Council of the City of Kingman, Arizona, on November 20, 2012

ATTEST:

APPROVED:

Debbie Francis, City Clerk

John Salem, Mayor

APPROVED AS TO FORM:

Carl Cooper, City Attorney