ORDINANCE NO. 2732 NEW SERIES

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AMENDING GLENDALE CITY CODE, CHAPTER 3 CONCERNING ALARM SYSTEMS; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLENDALE as follows:

SECTION 1. That Glendale City Code, Chapter 3 is hereby deleted in their entirety and a new Chapter 3 shall read as follows:

ARTICLE I. IN GENERAL

Sec. 3-1. Applicability.

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, installing, maintaining, or monitoring alarm systems, devices or services. It is further intended to encourage the improvement in reliability of these systems, devices and services to insure 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 burglary, robbery and commercial panic alarms, both audible and inaudible (silent). The provisions of this chapter shall not apply to audible alarms affixed to motor vehicles, audible fire alarms, medical alert devices, residential panic alarms and alarm systems that are operated by the City, County, State or Federal Government and installed on premises which such entity occupies or uses for governmental purposes.

Sec. 3-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Act of God: An unusual, extraordinary, sudden and unexpected manifestation of the forces of nature, which cannot be prevented by reasonable human care, skill or foresight.

Alarm or alarm system: A mechanical or electrical device that is used to detect smoke, fire, hazardous materials or an unauthorized entry into a building or other facility, or to alert other persons of the occurrence the commission of an unlawful act against a person or within a building or other facility, and that may be designed to emit an audible alarm or transmit a signal or message when activated. Alarm or alarm system includes, but is not limited to: silent, panic, holdup, robbery, duress, burglary, check welfare, and proprietor alarms. Alarm or alarm system shall not include telephone call diverters and systems that are designed to report environmental

and other occurrences and that are not designed to alert, or cause other persons to alert, public safety personnel.

Alarm agent: Any person who is employed by an alarm business either directly or indirectly, whose duties include any installing, 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.

Alarm business: Any owner or operator of a business which sells, rents, installs, maintains or monitors alarm systems, devices, leases or services.

Alarm subscriber: Any person who leases, rents or purchases any monitored alarm system, device or service from an alarm business or who leases or rents an audible alarm system or device or who contracts with an alarm business for alarm monitoring, repair or maintenance services.

Audible alarm: A device designed for the detection of an unauthorized entry on premises and which when activated generates an audible sound on the premises.

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 Police Department.

Common cause: A common technical difficulty or malfunction which causes an alarm system to generate a series of false alarms. The series of false alarms shall be counted as one (1) false alarm only if the false alarms have occurred within a seventy-two (72) hour period, and the responsible alarm business has documented, to the Police Chief, the action taken to rectify the cause and a thirty-day (30) period expires with the alarm system generating no additional false alarms from the documented cause.

Controlling Person: 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 (10%) 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.

Convicted: Having plead guilty of 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.

Crime: 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.

False alarms: Any activation of an alarm not caused by or as a result of a criminal act or unauthorized entry, except for activation for testing purposes when the Police Department has been given advance notice of such testing or activation caused by the Police Department.

Licensing Authority: The Tax and License Division of the City Finance Department or the Police Department, as applicable, who has the authority to issue licenses pursuant to this chapter or the reciprocal alarm licensing ordinance of another state, city or town.

Medical alert device: A device designed to help a patient obtain adequate help of the right type during a medical emergency.

Monitored alarm: A device designed for the detection of an unauthorized entry in premises and which when activated generates an inaudible signal to a monitoring station. A monitored alarm may also generate an audible sound on the premises.

Panic Alarm: A silent or audible alarm system signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring law enforcement response.

Person: A corporation, firm, partnership, association, organization or any other group acting as a unit, as well as an individual.

Person financially interested: For a corporation, any person who is the beneficial owner of at least fifty percent (50%) of the shares of such corporation; for a noncorporate business, any person who shares in, directly or indirectly, at least fifty percent (50%) of any financial gain attributable to such business as an owner, proprietor or otherwise.

Primary Alarm License: A special regulatory 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 and within the borders of such licensing authority. 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.

Proprietor alarm: Any alarm or alarm system which is not leased or rented from, or owned or maintained under contract by an alarm business.

Reciprocal Alarm License: A special regulatory 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 license from a similar licensing authority within this state that has adopted the reciprocal alarm licensing ordinance.

Reciprocal Alarm Licensing Ordinance: Means an ordinance that is substantially the same in its material terms to the reciprocal alarm licensing provisions codified in this chapter 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.

Sec. 3-3. Administration.

The provisions of this chapter shall be administered in a manner prescribed by the Police Chief.

Sec. 3-4. Alarm business duties.

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

(1) 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.

(2) To provide written and oral instructions to each of its alarm subscribers and/or the principal occupants of the buildings or premises protected by an alarm system in the proper use and operation of the system. Such instruction will specifically include all necessary instructions in turning the alarm on and off and in avoiding false alarms.

(3) To provide each purchaser and subscriber with a copy of the pertinent provisions of this chapter relating to alarm subscriber duties, an Alarm Subscriber/Proprietor Permit Application and false alarm assessments and appeal procedures. The alarm business shall complete and sign the Alarm Subscriber/Alarm Company Information Form with alarm subscriber and submit the form as required in subsection (7) of this section.

(4) Upon leasing or renting an audible alarm system:

a. 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.

b. To maintain records of the location of these alarm systems, devices or services and the name and telephone number of the person and at least one (1) alternate to be notified whenever the alarm is activated and to readily report such information to the Police Department upon request.

c. To inactivate or cause to be inactivated the audible alarm within sixty (60) minutes of the notification of its activation in the event the primary and alternate cannot be contacted or does not respond.

(5) Upon leasing, renting, selling or monitoring an inaudible alarm system:

a. To establish a central receiving station in order to monitor these alarm systems. The central receiving station shall attempt to contact the alarmed location by telephonic or other electronic means on every alarm signal except a holdup, robbery, panic or duress alarm activation, whether or not actual contact with a person is made, before requesting a police response to an alarm system signal.

b. To organize its central receiving station in order to be able to readily and positively identify the type of alarm, i.e. burglary, robbery or panic, and the location of the alarm, if there is more than one (1) system; whether the alarm is audible or silent; the alarm subscriber permit number and the description of the zone or sensor activated and the name and response time of a responsible party.

c. To maintain records as to each of these alarm systems, devices or services which should include the name of the owner or occupant of the premises, the name and telephone number of the subscriber, a primary person and at least one (1) alternate responsible for responding to the premises when the alarm is activated, information concerning whether the alarm system includes an audible alarm and records of any alarm activation for a period of one (1) year from the date of the activation. The records required by this section shall be made available for inspection to any law enforcement officer of this state or city regulatory licensing inspections official upon twenty (20) days' prior written demand. The business may require the law enforcement officer or inspector to complete an inspection log with name, serial or badge number, time, date and purpose of the inspection.

d. To make notification of activated alarm systems in the manner prescribed by the Police Chief, including such reasonable information concerning the alarm system as the Police Department may request. Reasonable information shall include copies of central station alarm activity reports, the names of persons from the activated alarm location who have contracted with the alarm business and any mailing or telephonic information for the activated alarm location. The information shall be made available at any time upon request for inspection by the City or Police Department representative.

e. To arrange for either the alarm subscriber, alarm agent or other responsible representative to go to the premises of an activated alarm system within sixty (60) minutes 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 an unreasonable delay in arriving at the location of the alarm. If the police depart the premises prior to this requirement being met and the police are unable to determine the reason for the activation, such activation shall be deemed a false alarm.

f. To notify the alarm subscriber or other responsible person, in the case of a monitored alarm system, of all alarm activations at the alarm subscriber's premises within twenty-four (24) hours of activation, not including weekends or holidays, by telephone, electronic mail, facsimile transmission or written notice deposited in the United States mail.

(6) 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. The notice shall be sent within ten (10) days of the receipt of a notice issued pursuant to Sections 3-62 or 3-63 herein.

(7) To submit on a form and in the manner prescribed by the Police Chief, such information concerning compliance of the alarm business with its duties under this section as the Police Chief may request. An alarm business representative and the subscriber shall complete and sign the Alarm Subscriber/Alarm Company Information Form, and the alarm business shall submit the form to the Police Department within ten (10) days of commencement of service for the alarm system.

(b) Alarm businesses which do not monitor, maintain, service or install alarms or alarm systems shall not be subject to subsection (a) of this section, but shall be responsible for instructing each person who purchases an alarm system in the proper use and operation of the alarm, informing each alarm subscriber or alarm purchaser to contact the Glendale Police Department for information regarding this chapter, advising each alarm subscriber or alarm purchaser of the requirement of an alarm subscriber permit and providing a copy of this chapter to each alarm subscriber or alarm purchaser. Such instruction will specifically include all instructions necessary to turn off the alarm and to avoid false alarms. Such instruction will specifically include all necessary instructions in turning the alarm on and off and in avoiding false alarms. Any alarm business that sells an alarm or an alarm system with monitoring services, or leases, rents, installs, maintains or services an alarm or alarm system shall be subject to subsections (a)(1) through (a)(7) of this section.

(c) Alarm businesses which monitor but do not sell, lease, rent, install, service or maintain alarms or alarm systems shall not be subject to subsections (a)(1) through (a)(4) of this section.

(d) Alarm businesses which sell or install alarms or alarm systems but do not lease, rent, monitor, service or maintain them shall not be subject to subsections (a)(1) or (a)(4) through (a)(6) of this section.

(e) An alarm business which violates any provision of this section is guilty of a class 1 misdemeanor.

Sec. 3-5. Alarm subscriber's duties.

The duties of an alarm subscriber shall be as follows:

(1) To instruct all personnel, who are authorized to place the system or device into operation, in the appropriate method of operation.

(2) 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.

(3) To apply for an alarm subscriber permit from the Glendale Police Department.

(4) To respond or to make arrangements for an alarm business or other responsible person to respond to the scene of an activated alarm within sixty (60) minutes of the alarm activation.

(5) To maintain the alarm or alarm system in good working order and take reasonable measures to prevent the occurrence of false alarms.

(6) An alarm subscriber who violates any provision of this section is guilty of a class 1 misdemeanor.

Sec. 3-6. Proprietor alarm responsibilities.

The responsibilities of the owner of a proprietor alarm shall be as follows:

(1) To be familiar with the provisions of this chapter and to apply for an alarm subscriber permit from the Glendale Police Department.

(2) To maintain the alarm or alarm system in good working order and take reasonable measures to prevent the occurrence of false alarms.

(3) Upon the purchase of any alarm system, device or service which includes an audible alarm:

a. 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.

b. To inactivate or cause to be inactivated the alarm system within sixty (60) minutes of notification of its activation.

(4) To instruct all persons who are authorized to place the system or device into operation in the appropriate method of operation and to lock and secure all points of entry, such as doors and windows.

(5) To inform all persons who are authorized to place the alarm system into operation of the provisions of this chapter emphasizing the importance of avoiding false alarms.

(6) A proprietor alarm owner who violates any provision of this section is guilty of a class 1 misdemeanor.

Sec. 3-7. Activation for unauthorized purposes.

It shall be unlawful for any person to intentionally activate any 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 or to intentionally activate any commercial panic alarm for any reason other than to signal a life threatening or emergency situation requiring law enforcement response.

Sec. 3-8. Shutting off after sounding alarm.

No person or business who purchases, leases or rents an audible alarm system, device or service which is not connected to a central receiving station (of an alarm business) shall allow the alarm to sound in excess of sixty (60) minutes.

Sec. 3-9. *Automatic or prerecorded messages or signals connected directly to city.*

No person shall use or cause to be used any telephone device or telephone attachment that automatically selects a public primary telephone trunk line of the City and then reproduces any prerecorded message or signal.

Sec. 3-10. Monitoring panels, annunciating or receiving equipment.

No person shall place any monitoring panels and annunciation or receiving equipment in any City of Glendale building.

Sec. 3-11. Confidentiality.

The information furnished and secured pursuant to this chapter shall be confidential and shall not be subject to public inspection.

Secs. 3-12—3-35. Reserved.

ARTICLE II. LICENSES AND PERMITS

Sec. 3-36. License required.

(a) It shall be unlawful for any person to engage in, conduct or carry on an alarm business within the corporate limits of the City without first having obtained a license pursuant to this chapter. Each and every alarm involved in the alarm business shall constitute a separate offense under this subsection.

(b) It shall be unlawful for any person to engage in, represent himself or herself to be, or operate as, an alarm agent within the corporate limits of the City without first having obtained a license pursuant to this chapter. Each day that a person engages in or operates as an alarm agent and each time that a person represents himself or herself to be an alarm agent shall constitute a separate offense.

(c) 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 by this chapter, 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 provisions of this chapter. 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 pursuant to this chapter.

(d) The administration of this chapter, including the duty of prescribing forms, is vested in the licensing authority. License applications made pursuant to this chapter shall be submitted to the licensing authority, which shall have the authority to issue, deny, suspend or revoke a license in accordance with the provisions of this chapter.

(e) The license required by this chapter 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 chapter shall comply with all other ordinance 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.

(f) All licenses issued pursuant to this chapter shall be for the remainder of the calendar year and shall be renewable annually, as specified in Sec. 3-40.

(g) Upon written request and the payment of the fee, as established by resolution, the licensing authority shall issue a duplicate license to a licensee whose license has been lost, stolen or destroyed.

(h) It shall be unlawful for an alarm business to use or to contract with any person for purposes of using the service of an unlicensed alarm business or unlicensed alarm agent.

Sec. 3-36.1. Types of licenses; reciprocity.

(a) The types of licenses that may be issued pursuant to this chapter are as follows:

(1) *Primary Alarm License.* A primary alarm 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 of this state.

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

(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 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 alarm agent 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. 3-37. Application.

(a) The application for the license required by the provisions of this chapter shall be submitted to the Tax and License Division utilizing such format as may be prescribed by the Police Chief.

(b) The application for an alarm business license shall include:

(1) The name, 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 current 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 chapter. The applicant shall provide a copy of their corporation, partnership or limited liability company formation documents.

(3) For the applicant and each controlling person:

a. Name;

b. any alias or other name used by which the person was previously known; and

c. current residency and business addresses, telephone numbers, including fax and e-mail addresses; if applicable.

(4) The names, addresses and license numbers of the alarm agents employed by the alarm business and copies of the alarm agents licenses.

(5) The business telephone number at which each alarm agent may be reached.

(6) The required application fee.

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

(8) 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.

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

(10) 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.

(11) 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, cancellation or suspension.

(12) 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. 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.

(13) For initial applications for primary alarm business licenses only, one full set of fingerprints on fingerprint cards 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.

(14) 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 and City of Glendale Transaction Privilege Tax License, if applicable.

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

(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.

(c) Applicants for primary or reciprocal alarm 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.

(d) The application for alarm agent license shall include:

(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) Whether or not the applicant has been convicted of a crime.

(4) Proof that the applicant 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.

(5) Height, weight, color of eyes and hair and date of birth of the applicant.

(6) 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, cancellation or suspension.

(7) One full set of fingerprints on fingerprint cards, or fingerprint data. 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.

(8) The applicant's business, occupation and employment history for the five (5) year period immediately preceding the date of filing the application.

(9) 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.

(10) The required application fee.

(e) 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.

Sec. 3-38. Fees.

(a) The application and license fees for licenses issued under this chapter shall be set by resolution. The City may set different application and license fees for an applicant who has not previously been issued a license under this chapter for the calendar year in which he or she

submits an application and for an applicant who has been issued a license for the calendar year in which he or she submits an application and who is required to obtain a new license due to a change in the location of his or her business.

(b) Each applicant for a license shall submit a full set of fingerprints to the City of Glendale for the purpose of obtaining a state and federal criminal records check pursuant to A.R.S. § 41-1750 and Public Law (PL) 92-544. The Arizona Department of Public Safety (DPS) is authorized to exchange this fingerprint data with the Federal Bureau of Investigation. In addition to any other fees imposed under this chapter, an applicant for a license issued under this chapter shall pay an amount necessary to cover the costs of federal fingerprint processing or federal criminal history record information checks. The specific amount of such additional fee shall be set by resolution based upon information received from DPS as to the costs of fingerprint processing and record information checks. The additional fees collected pursuant to this subsection shall be transmitted to DPS as required by A.R.S. § 41-1750, as amended.

(c) No application or fingerprinting fee paid pursuant to this chapter shall be returned to an applicant if his or her application is withdrawn or denied. No license fee paid pursuant to this chapter shall be returned to a licensee if his or her license is revoked or suspended.

Sec. 3-39. Issuance standards.

(a) The licensing authority will issue a license provided for by this chapter 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) No person shall be licensed under this chapter if such person:

(1) Knowingly makes any false or misleading statement in the course of applying for or renewing a license; 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 chapter.

(2) Has been previously convicted 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 constitute one of the crimes listed in this subsection within five (5) years from the date that the application is submitted.

(3) Lacks good moral character as set forth in Sec..21-4.

(4) Is under the age of eighteen (18) years.

(5) 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.

(6) 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.

(7) Has violated a provision of this chapter, 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 chapter.

(c) No applicant shall be licensed under this chapter if any of the following persons would be disqualified from being licensed under subsection (b):

(1) The president of an applicant which is a corporation, if he or she is an Arizona resident;

(2) Each general partner of an applicant which is a partnership;

(3) The managing officer or agent for the in-state operations of the applicant;

(4) Any person financially interested in the applicant; or

(5) Each managing member of a limited liability company, or if there are no designated managing members, all members.

(d) No license shall be issued under this chapter to an applicant if the Police Chief determines that, due to the nature and location of the applicant's proposed business, the operation of such business is likely to create unreasonably unsafe conditions or to unreasonably increase existing unsafe conditions in the surrounding neighborhood.

(e) 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.

Sec. 3-40. Issuance; expiration; renewal.

(a) Any license issued under this chapter shall be valid only for the calendar year for which it is issued. Each license expires on December 31 of each year and must be renewed on or before January 31 of the following year by filing an application for renewal and paying the applicable renewal fee. The application and payment for renewal must be received by the City of Glendale Tax and License Division by January 31 to be deemed timely filed.

(b) A person whose initial license is issued after March 31 of any year shall be subject to an initial license fee on a prorated basis as follows:

Business Start Date	Proration of License Fee
April 1—June 30	75%
July 1—September 30	50%
October 1—December 31	25%

The applicable proration percentage shall be applied to the annual license fee set by resolution to determine the initial license fee.

(c) Any person who fails to renew a license by January 31 of any year and who conducts any activity covered by such license after such date shall be deemed to be operating without a license, shall be subject to all penalties imposed under this chapter against persons unlawfully operating without a license, and shall be subject to a penalty of fifty percent (50%) of the annual license fee which would have been imposed on the date on which the license expired in addition to payment of the applicable license fee. All license fees and penalties owed by a person pursuant to this subsection must be paid before a new license is issued to such person.

(d) Any person who is required to obtain a license under this chapter and fails to do so prior to conducting any activity covered by such license shall be subject to a penalty of fifty percent (50%) of the annual license fee which would have been imposed on the date on which such activities commenced in addition to payment of the applicable license fee. All license fees and penalties owed by a person pursuant to this subsection must be paid before a new license is issued to such person under this chapter.

(e) No license issued under this chapter shall be renewed unless the licensee is in compliance with all provisions of this chapter at the time of renewal.

Sec. 3-41. Identification cards.

The Tax and License Division shall issue to each alarm agent an identification card containing a current photograph of the alarm agent. Each identification card shall expire on December 31 of the year in which it is issued, and the alarm agent shall obtain a new

identification card on or before January 31 of the following year, by paying the license fee, unless licensed pursuant to Sec. 3-36.1(3).

Sec. 3-42. Display of licenses and identification cards.

(a) A copy of the alarm business license shall at all times be conspicuously displayed at the central station or main office of the alarm business.

(b) At all times that a person is acting as an alarm agent within the City, such person shall carry on his or her person a valid alarm agent license and identification card. An alarm agent shall display his or her license and identification card upon request to any police officer, law enforcement official or City official whose duties are related to licensing.

Sec. 3-43. Duty to ensure compliance by alarm agents.

(a) An alarm business shall not allow any of its employees to work as an alarm agent until such person has displayed to the alarm business a valid alarm agent license and identification card. An alarm business shall require that all persons employed as alarm agents maintain current alarm agent licenses and identification cards at all times that such persons work for the alarm business. On or before January 31 of each year, the alarm business shall verify with each alarm agent that such alarm agent has renewed his or her alarm agent license and identification card.

(b) An alarm business shall not allow any person who contracts with the alarm business to perform, on behalf of the alarm business, any services for which an alarm agent license is required until such person has displayed to the alarm business a valid alarm agent license and identification card. An alarm business shall require that all persons so contracting with the alarm business maintain current alarm agent licenses and identification cards at all times that such persons perform services for which an alarm agent license is required on behalf of the alarm business.

Sec. 3-44. *Nontransferability; temporary licenses.*

(a) No license issued under this chapter shall be transferable between persons or locations.

(b) Except as provided in subsection (c) of this section, upon the termination of an alarm agent's employment with an alarm business, the alarm agent shall surrender his or her alarm agent license and identification card to such business. The alarm business shall mail or deliver the alarm agent license and identification card to the Tax and License Division within five (5) days of such surrender. If the alarm agent fails to surrender his or her alarm agent license and identification card to the alarm business, the alarm business shall give notice to the Tax and License Division within fifteen (15) days of such termination that the alarm agent's employment has been terminated and that the alarm agent has failed to surrender his or her license and identification card.

(c) If an alarm agent terminates his or her employment with an alarm business for the purpose of transferring employment to another alarm business, such person shall surrender his or her license as provided in subsection (b) of this section and shall advise the Tax and License Division of his or her intentions. The Tax and License Division shall issue the alarm agent a temporary license until such time as a new license is issued to the alarm agent. Both the temporary and new license will be issued to the alarm agent without charge.

Sec. 3-45. Revocation or suspension.

(a) The Tax and License Division may suspend any license issued under this chapter for a specified period not to exceed sixty (60) days, or revoke such license, for any of the following reasons:

(1) Failure to maintain good moral character;

(2) Conviction of the licensee of a felony involving dishonesty, deceit, theft, assaultive conduct or sexual misconduct;

(3) When the licensee has knowingly made any false or misleading statement in any report or record required to be made or kept under this chapter; or

(4) Any other violation of this chapter.

(b) The City shall give written notice of the revocation or suspension to the licensee, which statement shall contain the reasons for the revocation or suspension and, if applicable, the length of the suspension. Such notice shall be personally served on the licensee or mailed to the licensee's last known address. Service of the notice shall be deemed complete upon mailing.

(c) The licensee may request an informal hearing on such revocation or suspension by submitting a written request to the Tax and License Division within ten (10) days after the notice of revocation or suspension is given. An informal hearing before the Tax and License Division shall be held within fifteen (15) days after the request for the same is received by the City. If the licensee does not request a hearing within said ten (10) day period, the revocation or suspension shall take effect on the eleventh day after service of the notice of revocation or suspension. If a hearing is requested, the revocation or suspension shall not take effect until after the informal hearing and service on the licensee of a new notice from the Tax and License Division setting forth the Tax and License Division's final decision. Such notice shall be personally served on the licensee or mailed to the licensee's last known address. Service of the notice shall be deemed complete upon mailing.

Sec. 3-46. Appeal from denial, revocation or suspension of license.

(a) A person who has been denied a license or whose license has been revoked or suspended after an informal hearing with the Tax and License manager may appeal such decision

to a hearing officer. The appeal shall be requested within ten (10) days from the date on which such person is given notice of the determination from which the appeal is taken. The request shall be in writing, shall be filed with the City Manager and shall set forth specifically the grounds for such appeal.

(b) The City Manager shall appoint a hearing officer to conduct a hearing in accordance with this section. The hearing officer shall not be a member of the Tax and License Division. The hearing officer may, in his or her discretion, stay any revocation or suspension pending final determination of the appeal.

(c) The burden of proof at the hearing shall be on the applicant or licensee to establish, by a preponderance of the evidence, that he or she meets all requirements for holding a license under this chapter. The hearing officer shall hear such testimony and consider such evidence as is relevant to the determination of such issues. The hearing officer shall not be bound by technical rules of evidence or procedure in conducting the hearing.

(d) The hearing officer shall render a written decision within thirty (30) days after the hearing is concluded based on the evidence presented by the City and the applicant or licensee. The decision of the hearing officer shall be final.

Sec. 3-46.1 Application after denial or revocation of license.

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.

Sec. 3-46.2. Termination and cancellation of license; notice.

(a) An alarm agent who terminates employment with an alarm business shall immediately surrender his or her alarm agent license to the licensing authority.

(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.

(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 cancelled as of the effective date of the cancellation of the primary alarm business license, unless the licensee requests the license be cancelled sooner.

Sec. 3-47. Alarm Subscriber Permits.

(a) Every alarm subscriber and proprietor alarm owner shall apply for and receive an alarm subscriber permit from the Police Department. Application shall be made with the Police Department for a permit within ten (10) calendar days of the installation date of a new alarm system. Alarm subscriber permits will be on forms approved by the Police Department. An alarm subscriber permit is valid for one (1) year and may be renewed for additional one-year periods on application. An alarm subscriber permit shall be kept within the premises protected by the alarm and shall be available for inspection by the Police Department. Permits are not transferable from one subscriber or proprietor to another subscriber or proprietor, or from one address to another address. A separate permit is required for each address.

(b) Alarm systems that are operated by the City, County, State or Federal government and installed on premises which such entity occupies or uses for governmental purposes shall not be subject to this chapter. However, such entity shall apply for and obtain a permit for each alarm system it operates.

(c) If an alarm subscriber has multiple alarm systems at one location, an alarm subscriber permit is required for each system. For the purposes of this chapter:

(1) The tenant of an apartment or other rental property who installs, purchases or rents an alarm system shall be deemed to be the alarm subscriber.

(2) The owner of an apartment or other rental property that has an existing alarm system shall be deemed to be the alarm subscriber. Each apartment unit shall be considered a separate address. The common areas of offices of the apartment complex will be considered one address.

(d) When the Police Department has recorded an alarm for a subscriber or proprietor alarm owner who has not applied for an alarm subscriber permit in accordance with the provisions of this chapter:

(1) The Police Department shall send the alarm subscriber or proprietor alarm owner and the alarm business that called in the alarm to the Police Department a warning stating that they are in violation of the provisions of this chapter. The warning will direct the alarm subscriber or proprietor alarm owner to apply for the alarm subscriber permit within ten (10) calendar days of the date of the warning. The warning shall notify the party that the failure to obtain the alarm subscriber permit shall result in an assessment of a service fee, in an amount established by resolution, per alarm activation for each alarm which occurs while the alarm system is operated without an alarm subscriber permit. The service fee will be in addition to any false alarm fee assessed pursuant to Sec. 3-63.

(2) If the alarm subscriber or proprietor alarm owner applies for an alarm subscriber permit as required, the service fee assessment per alarm will not be imposed. If the alarm subscriber or proprietor alarm owner fails to apply for the alarm subscriber permit within ten (10) calendar days of the date of the warning, the Police Department shall notify the alarm subscriber or proprietor alarm owner that the applicable service fee will be assessed for each alarm which occurs while the system is operated without an alarm subscriber permit.

(3) The alarm subscriber or proprietor alarm owner may, within twenty (20) calendar days of the date of the mailing of the notice, appeal the initial assessment to the Police Chief by filing a petition with the Police Chief or his designee. The petition shall contain specific defenses, if any, to show why the assessment should not be imposed against the alarm subscriber or proprietor alarm owner.

(4) Any petition submitted pursuant to subsection (2) of this section shall be filed with the Police Chief or his designee within the time specified. If the petition is not timely filed, any notified party shall be deemed to have waived the right to any further review or hearing as provided herein and the service fee assessment shall be final.

(5) If a petition is timely filed pursuant to subsection (2) of this section, the Police Chief or his designee shall review the specific defenses set forth in the petition. If it is determined that a valid defense to the initial assessment has been set forth, a notice will be sent to the alarm subscriber or proprietor alarm owner informing them that the initial assessment is reversed. The notice shall specifically set forth the findings and conclusions.

(6) If the Police Chief or his or her designee determines that a defense to the initial assessment has not been set forth, a notice shall be sent by mail to the alarm subscriber or the proprietor alarm owner informing them that the initial assessment is upheld. The notice of decision shall include the specific findings and conclusions. The decision is subject to appeal pursuant to Sec. 3-64.

(7) An alarm subscriber or proprietor alarm owner who fails to apply for an alarm subscriber permit as required by subsection (1) of this section shall be assessed a service fee, in an amount established by resolution, for each alarm activation to partially recover the costs of the police response while the alarm or alarm system is operated without an alarm subscriber permit. The alarm subscriber or proprietor alarm owner shall tender the assessed service fee within twenty (20) days of a final determination of assessment pursuant to this section or Sec. 3-64. If the alarm business did not comply with Sec. 3-4(a)(7) and submit the required form, the alarm business shall be assessed the service fee. In the event the assessed service fee is not tendered, the unpaid balance of the assessment will be subject to a charge of one and one-half percent (1.5%) per month, compounded monthly.

(8) It shall be unlawful and a class 1 misdemeanor for an alarm subscriber or proprietor alarm owner to operate an alarm system without a valid alarm subscriber permit issued in accordance with the provisions of this chapter.

Secs. 3-48—3-60. Reserved.

ARTICLE III. FALSE ALARMS

Sec. 3-61. Grace period.

(a) Newly installed and reinstalled alarm systems shall not be subject to the provisions of this chapter relating to the counting and assessment of false alarms for a period of thirty (30) days from the date the alarm system becomes operational.

(b) The grace period provided in subsection (a) of this section shall apply only if the alarm business, or proprietor alarm owner notifies the Police Chief or his designee in writing within ten (10) days of the completion of installation or reinstallation. The written notice shall specify the date the system was installed or reinstalled. For reinstalled alarm systems, the notice shall also describe the nature and extent of the reinstallation.

Sec. 3-62. Warning notice.

When any alarm system generates a false alarm, the Police Department shall send a warning notice to both the alarm subscriber and alarm business or the proprietor alarm owner that one (1) subsequent false alarm within a three hundred sixty-five (365) day period will subject the notified parties to the sanctions as provided herein.

Sec. 3-63. Police review and penalties.

(a) Any alarm system which has two (2) or more false alarms within a consecutive three hundred sixty-five (365) day period shall be subject to assessment as provided herein.

(b) If the Police Department records two (2) or more false alarms within a consecutive three hundred sixty-five (365) day period:

(1) The Police Department shall notify both the alarm subscriber and alarm business or the proprietor alarm owner by electronic mail or postal mail of the Police Department's initial notice of assessment of false alarm service fees and of the amount of the assessed service fees. The alarm subscriber and alarm business or the proprietor alarm owner, within 20 days of the date on the notice, shall pay or may appeal to the Police Chief by filing a petition with the Police Chief or his designee. The petition shall contain and explain specific defenses to the assessment. Affirmative defenses to a false alarm service fee assessment alarm may include evidence that a false alarm was caused by an act of God, common

cause, action of the telephone company, telephone line outage, power outage lasting longer than the life of a fully charged battery, or other extraordinary circumstances not reasonably subject to control by the alarm business, alarm subscriber or proprietary alarm owner.

(2) The petition submitted pursuant to subsection (1) of this section shall be received by the Police Chief or his designee within the time specified. If the petition is not timely submitted, any notified party shall be deemed to have waived his right to any further review or hearing as provided herein and the alarm business and alarm subscriber or the proprietor alarm owner operating the alarm system generating the false alarms will be assessed pursuant to paragraph (5) of this subsection.

(3) If the petition pursuant to subsection (1) of this section is submitted, the Police Chief or his designee shall review the specific defenses, if any, set forth in the petition to the initial determination of false alarms. If it is determined that a valid defense to the initial determination of false alarm has been accepted, a notice will be sent by electronic mail or postal mail to all notified parties that no assessment will be made for that particular alarm. The notice shall specifically set forth the findings and conclusions of the Police Chief or his designee with respect to the review of the petition submitted.

(4) If the Police Chief or his designee determines that a defense to the initial determination of false alarms has not been alleged or accepted, a notice shall be sent by electronic mail or postal mail to both the alarm subscriber and alarm business or the proprietor alarm owner that they will be assessed pursuant to paragraph (5) of this subsection. The notice of decision shall contain the specific findings and conclusions of the Police Chief or his designee with respect to the review of the report submitted.

(5) Assessments imposed pursuant to subsections (1) and (4) of this section shall be in an amount established by resolution. The alarm subscriber and the alarm business shall, except as provided in Sec. 3-64(f), be jointly and severally responsible for the payment of assessments imposed upon their alarm system. The owner of a proprietor alarm shall be responsible for the payment of assessments imposed upon a proprietor alarm system.

(6) Assessments imposed under subsections (1) and (4) of this section shall be in addition to any service fee imposed pursuant to Sec. 3-47, if the alarm subscriber has not obtained a permit.

(c) Upon final determination of assessment pursuant to this chapter for the second (2) and any subsequent false alarm within a consecutive three hundred sixty-five (365) day period, the responsible party shall tender the fee assessed within ten (10) days of the date ordered or discontinue operation of the alarm system. In the event the operation of the alarm system is not discontinued and the assessment not tendered, its continued operation by the alarm subscriber,

alarm business, or proprietor alarm owner is unlawful. Each day past ten (10) calendar days after the date ordered that the operation of the alarm system is not discontinued and assessment is not tendered shall constitute a class 1 misdemeanor.

(d) Upon final determination of assessment pursuant to this chapter for the tenth (10th) false alarm within a consecutive three hundred sixty-five (365) day period, it shall be unlawful to operate the alarm system in such a manner that results in any subsequent false alarms within a ninety (90) day period from the date of receipt of the final determination for the tenth (10th) false alarm. Every such false alarm within such ninety (90) day period from the receipt of final determination for the tenth (10th) false alarm shall be a class 1 misdemeanor. In addition to this remedy, the City may also pursue an injunction through the Maricopa County Superior Court with all costs of such suit to be borne by the alarm business and alarm subscriber or proprietor alarm owner, as may be the case.

Sec. 3-64. Appeals.

(a) Any party aggrieved by a decision of the Police Chief or his or her designee made pursuant to Sec. 3-63, subsections (b)(3) or (b)(4) 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 Police Chief or his or her designee.

(b) The request for an appeal shall set forth the specific objections to the decision of the Police Chief or his designee which form the basis of the appeal.

(c) The hearing officer shall set a time and place for the hearing as soon as practicable.

(d) The hearing proceeding shall be conducted as an informal process. The hearing officer shall not be bound by the technical rules of evidence in the conduct of such hearings. All parties to the hearing shall have the right to present evidence in support of or in opposition to the decision of the Police Chief.

(e) The decision of the hearing officer shall be based upon the evidence presented and it shall:

(1) Affirm the decision of the Police Chief or his or her designee in which case any assessment imposed shall be sustained; or

(2) Reverse the decision of the Police Chief or his or her designee, in whole or in part, in which case, the hearing officer shall, in his or her discretion, determine the amount of the assessment.

(f) When the decision of the Police Chief is affirmed in appeals involving an alarm subscriber and alarm business licensee, the hearing officer may designate the alarm subscriber or the alarm business licensee as solely responsible for the payment of the assessment.

(g) The decision of the hearing officer is final.

SECTION 2. That the provisions of this ordinance shall become effective on August 1, 2010.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Glendale, Maricopa County, Arizona, this 22nd day of June, 2010.

MAYOR

ATTEST:

City Clerk (SEAL)

APPROVED AS TO FORM:

City Attorney

REVIEWED BY:

City Manager