

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA, AMENDING THE CODE OF GILBERT, ARIZONA, CHAPTER 42 OFFENSES AND ABATEMENT OF PUBLIC NUISANCES, ARTICLE III OFFENSES INVOLVING PUBLIC PEACE AND ORDER, DIVISION 2 ALARM SYSTEM, SECTION 42-84 FALSE ALARMS; NOTIFICATIONS; ASSESSMENTS; AND PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES.

BE IT ORDAINED by the Common Council of the Town of Gilbert, Arizona, as follows:

Section I. In General.

The Code of Gilbert, Arizona, CHAPTER 42 OFFENSES AND ABATEMENT OF PUBLIC NUISANCES, ARTICLE III OFFENSES INVOLVING PUBLIC PEACE AND ORDER, DIVISION 2 ALARM SYSTEMS, SECTION 42-84 FALSE ALARMS; NOTIFICATIONS, ASSESSMENTS; is hereby amended to read as follows (additions in ALL CAPS and UNDERLINE; deletions in ~~strikeout~~):

Sec. 42-84. False alarms; notifications; assessments.

- (a) Newly installed or activated alarm systems shall not be subject to the provisions of this division relating to the counting and assessment of false alarms for a period of 30 days from the date the alarm system becomes operational. The grace period provided in this subsection shall apply only if the alarm user can provide evidence of such new installation and/or activation.
- (b) Any alarm system which has three or more false alarms within a calendar year shall be subject to false alarm assessment~~S~~ as provided in this section. ALARM SYSTEMS OPERATED BY THE TOWN OF GILBERT, THE COUNTY, STATE, OR FEDERAL GOVERNMENT AND INSTALLED ON PREMISES SUCH ENTITY OCCUPIES OR USES FOR GOVERNMENTAL PURPOSES SHALL NOT BE SUBJECT TO PAYMENT OF FEES PURSUANT TO THIS SECTION.
- (c) Upon recording three or more false alarms, the alarm administrator shall notify the alarm user in writing by mail. This written notification shall contain:
 - (1) The dates for all false occurrences; and
 - (2) The amount of the false alarm assessment for the false alarm.
- (d) The alarm user must be given an opportunity to submit a report within ten days of the date of the notice. The report shall contain a description of the action taken, or to be taken, to

discover and eliminate the cause of the false alarms; and specific defenses, if any, why the alleged false alarms should not be considered false alarms. Evidence that a false alarm was caused by an Act of God, or a utility provider failure shall constitute affirmative defenses to a fine assessment for the particular false alarm.

- (e) If the alarm user fails to submit a report within the required time frame or fails to submit a report altogether; the alarm user shall be deemed to have waived their right to any further review or hearing. The alarm user will be assessed a false alarm assessment contained in this subsection.
- (f) Upon receipt of an alarm user's report, the alarm administrator will review it to determine if the corrective action taken or to be taken to discover and eliminate the cause of the false alarms and the specific defenses, if any, set forth in the report. If it is determined that the corrective action taken or to be taken will substantially reduce the likelihood of false alarms or that a valid defense to the initial determination of false alarm has been accepted, a notice will be sent to the alarm user that no assessment will be made at that time. The notice shall specifically set forth the findings and conclusions of the coordinator with respect to the review of the report submitted.
- (g) If the alarm administrator determines that the action taken or to be taken will not substantially reduce the likelihood of false alarms or that a defense to the initial determination of false alarms has not been alleged or accepted, a notice shall be sent by mail to the alarm user that they will be assessed a false alarm assessment as authorized in this subsection. The notice of decision shall contain the alarm administrator's specific findings and conclusions related to the alarm user's report.
- (h) To defray the cost of responding to false alarms and to discourage repeat false alarms, the alarm user shall be subject to a false alarm assessment, depending on the number of false alarms within a calendar year. The alarm user shall be responsible for the immediate payment of fines to the town. False alarm assessments are based upon the following schedule:

False Alarm Assessment Schedule

False Alarm	Assessment
1 st and 2 nd false alarm	\$ 0.00
3 rd false alarm	50.00
4 th false alarm	100.00
5 th false alarm	150.00
6 th false alarm	200.00
7 th false alarm	250.00
8 th false alarm	300.00
9 th false alarm	350.00
10 th false alarm and any subsequent false alarm thereafter	400.00

- (i) The alarm administrator may adjust the count of false alarms based on:
 - (1) Evidence that a false alarm was caused by an Act of God;

- (2) Evidence that a false alarm was caused by action of the telephone or other utility company;
- (3) Evidence demonstrating cancellation of an alarm dispatch request occurred prior to law enforcement arrival at the alarm site.
- (j) When determining the number of false alarms, multiple alarms occurring in any 24-hour period shall be counted as a single false alarm to allow the alarm user time to take corrective action. This excludes false alarms directly caused by the alarm user.
- (k) In addition to these remedies, the Town may also bring an action in superior court for an injunction to prohibit use of the alarm system with all costs of such suit assessed to the alarm user.

Section II. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference are hereby repealed.

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PASSED AND ADOPTED by the Common Council of the Town of Gilbert, Arizona, this _____ day of _____, 2024, by the following vote:

AYES: _____

NAYES: _____ ABSENT: _____

EXCUSED: _____ ABSTAINED: _____

Brigette Peterson, Mayor

ATTEST:

Chaveli Herrera, Town Clerk

APPROVED AS TO FORM:

Christopher W. Payne, Town Attorney

I, CHAVELI HERRERA, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. _____ ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF GILBERT ON THIS _____ DAY OF _____, 2024, WAS POSTED IN FOUR PLACES ON THE _____ DAY OF _____, 2024.

Chaveli Herrera, Town Clerk