Staff Summary Report

Tempe

Council Meeting Date: 11/06/08 **Agenda Item Number:** 41

SUBJECT: This is the second public hearing to amend Chapter 22, Article IV of the Tempe City Code, relating to Alarm Regulations by amending Section 22-77.1 relating to service fees for excessive false alarms.

DOCUMENT NAME: 20081106pdsam01 **TCC 22 – OFFENSES-MISCELLANEOUS** Ordinance No. 2008.62

SUPPORTING DOCS: No

COMMENTS: This ordinance will change the Tempe City Code false alarm fine structure for businesses from two free false alarms annually to one free false alarm annually. These changes are being pursued to address the high number of business false alarms that the Police Department responds to. These changes will not impact residential alarm users or schools.

PREPARED BY: Shelly A. Macdonald, Management Assistant II, 480.350.8820

REVIEWED BY: Brenda Buren, Support Services Director, 480.350.8991

LEGAL REVIEW BY: Bill Amato, Police Legal Advisor, 480.350.8610

FISCAL NOTE: N/A

RECOMMENDATION: Staff recommends adoption of Ordinance No. 2008.62.

ADDITIONAL INFO: As follow up to the October 2, 2008 Issue Review Session, the Police Department is moving forward in changing the alarm fee structure for businesses. The initial alarm permit fee for businesses is changing from $10 to $15. In addition, an annual alarm renewal fee of $15 for businesses will be set. These changes will be accomplished by resolution.

ORDINANCE NO. 2008.62

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AMENDING CHAPTER 22, ARTICLE IV OF THE TEMPE CITY CODE, RELATING TO ALARM REGULATIONS BY AMENDING SECTION 22-77.1 RELATING TO SERVICE FEES FOR EXCESSIVE FALSE ALARMS.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, as follows:

Section 1. That Section 22-77.1 of the Tempe City Code is hereby amended as follows:

Sec. 22-77.1. Review of false alarms, service fee for excessive false alarms.

(a) When any false alarm occurs by an alarm in one permit year, upon request by the city, the alarm user or owner shall submit to the city a letter specifying what corrective action has been taken to prevent future false alarms.

(b) *RESIDENTIAL.* A third and any subsequent false alarm occurring by any permitted alarm user in one permit year is an excessive false alarm and shall subject the owner or user, individually or jointly, to an excessive false alarm service fee for the city's response to such excessive false alarm. A schedule of such service fees for responding to an excessive false alarm shall be adopted by council resolution.

(C) *BUSINESSES.* A SECOND AND ANY SUBSEQUENT FALSE ALARM OCCURRING BY ANY PERMITTED ALARM USER IN ONE PERMIT YEAR IS AN EXCESSIVE FALSE ALARM AND SHALL SUBJECT THE OWNER OR USER, INDIVIDUALLY OR JOINTLY, TO AN EXCESSIVE FALSE ALARM SERVICE FEE FOR THE CITY'S RESPONSE TO SUCH EXCESSIVE FALSE ALARM. A SCHEDULE OF SUCH SERVICE FEES FOR RESPONDING TO AN EXCESSIVE FALSE ALARM SHALL BE ADOPTED BY COUNCIL RESOLUTION.

(~~c~~ D) Non-permitted alarm users who incur a false alarm shall be assigned an alarm permit by the alarm coordinator and charged the permit fee described in § 22-76(a). The non-permitted alarm user shall immediately provide the alarm coordinator with any and all necessary responsible party information as part of the assigned permit. Alarm users who fail to provide necessary responsible party information and incur a second and any subsequent false alarm will be assessed an excessive false alarm service fee for the city's response to each subsequent excessive false alarm. A schedule of such service fees for responding to an excessive false alarm shall be adopted by council resolution. Non-permitted alarm users who provide necessary responsible party information and incur a second and any subsequent false alarm will be assessed the same excessive false alarm service fee as permitted alarm users in subsection (b) of this

section.

(~~d~~ E) The decision on whether a false alarm or excessive false alarm has occurred shall be made by the alarm coordinator of the city.

Section 2. Pursuant to the Tempe City Charter, Section 2.12, ordinances are effective thirty (30) days after adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this _____ day of _____, 2008.

_____
MAYOR

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney