



City of Avondale False Alarm Reduction Program Guidelines to Appeal

The Avondale alarm ordinance defines a false alarm as: *"any alarm activation of an alarm system through mechanical or electronic failure, malfunction, improper installation, or the negligence of the alarm user, his/her employees or agents, and signals activated to summon law enforcement personnel unless law enforcement response was cancelled by the alarm user or the alarm user's agent before law enforcement personnel arrive at the alarm location. An alarm is false within the meaning of this article when, upon inspection by the police department, evidence indicates that no unauthorized entry, robbery, or other such crime was committed or attempted in or on the premises which would have activated a properly functioning alarm or alarm system."*

Appeal Process:

The alarm owner may appeal the penalty to be assessed by submitting a written request to the City of Avondale Chief of Police within twenty (20) days after the notice of the assessment of a false alarm fee, revocation or suspension is given. The written request shall contain the following information:

- Your name, the alarm location, date/s of the false alarm/s, your permit number.
- A description of the action taken to discover and eliminate the cause of the false alarm/s;
- The specific reason/s, if any, why the false alarm/s should not be subject to an assessment. Evidence that an alarm was caused by an act of God, common cause or action of the telephone company shall constitute valid reasons why an assessment should not be imposed.

The Police Department will render a decision in writing.

To appeal the Police Department's decision:

Please be advised that you have the right to appeal this decision to the city manager. 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, or authorized designee, and shall set forth specifically the grounds for such appeal.

The city manager, or authorized designee, shall conduct a hearing in accordance with this section. The burden of proof at the hearing shall be on the alarm user to establish, by a preponderance of the evidence, that he or she meets all requirements for holding a permit under this article.

The city manager, or authorized designee, shall render a written decision within thirty (30) days after the hearing is concluded based on the evidence presented by the city and the alarm user. The decision of the city manager, or authorized designee, shall be final.

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Appeals are *not* generally granted as a result of the following:

1. Faulty, defective or malfunctioning equipment supplied by an alarm business.
2. Improper installation or maintenance by an alarm business.
3. Improper monitoring by an alarm business.
4. Alarm activations that occur while alarm technicians are repairing or servicing the alarm system.
5. An occurrence where no evidence of criminal activity is present.
6. Mistakes made by private contractors, maids, cleaning crews, visitors, etc.
7. Item(s) within the home or business that move causing motion detectors to activate (i.e. curtains, signs, balloons, etc.).
8. Doors and/or windows that become loose and cause a break in the contacts that activate the alarm system.
9. Caretakers who watch homes or businesses when owners are away and who activate the alarm in error or are not familiar with required codes or passwords.
10. Pets, rodents or wildlife movement in or near the home or business.
11. Alarms caused by Apartment Management Employees.

In the case of items 1 and 2 above, if you suspect the false alarm was due to faulty equipment or improper installation contact your alarm company. In such cases, the system should be inspected and repaired where necessary.

*** This list is only intended as a guide to assist you in deciding whether to appeal a false alarm or contact your alarm company for discussion. This list is not intended to cover every situation where an appeal may be denied.**