

THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 4711

A bylaw to reduce false alarms

WHEREAS section 726 of the *Local Government Act* provides that Council may establish fees to be paid by the owner or occupier of real property to which services are provided by or on behalf of the municipality, including policing services, in response to a false alarm of a system;

AND WHEREAS false alarms require emergency responses from the police, creating unnecessary delays for the police responding to true emergencies;

AND WHEREAS under section 653 of the *Local Government Act*, the Council may regulate the carrying on of business in the municipality for the purpose of protecting the public or preventing or minimizing nuisance:

NOW THEREFORE the Council of The Corporation of the City of Vernon, in open meeting assembled, enacts as follows:

1. Title

This Bylaw may be cited as "City of Vernon False Alarm Bylaw Number 4711, 2002."

2. Definitions

In this Bylaw,

2.1 “Alarm Business” means a person, partnership or company engaged in the business of monitoring alarm systems and reporting the occurrence of alarms to the police.

2.2 “Alarm System” means any mechanical, electrical or electronic device which is designed or intended to be used for the detection of an unauthorized entry into a building, structure, facility or surrounding area, or for alerting others to the commission of an unlawful act, or both, and which emits a sound or transmits a message, or does both, and:

- (i) for greater certainty, includes a device which registers an alarm which is not audible, visible or perceptible outside the premises inside which it is installed;
- (ii) excludes a device which is installed in a motor vehicle; and
- (iii) excludes a device which is designed or intended to detect fire, smoke or excessive heat.

2.3 “False Alarm” means the activation of an alarm system resulting in the direct or indirect notification of the police to attend the address of the alarm system where there has been no unauthorized entry or commission of an unlawful act on or in relation to the building, structure, residence of facility, or where there

has been no emergency situation. False alarm incidents include but are not limited to:

- (i) The testing of an alarm which results in a police response;
- (ii) An alarm actually or apparently activated by mechanical failure, malfunction or faulty equipment;
- (iii) An alarm activated by user error or neglect;
- (iv) An alarm reporting an attempt or completed criminal offence or an emergency situation occurring on or in relation to the address in which the alarm system is installed where no evidence exists or where no such event took place;
- (v) An alarm actually or apparently activated by atmospheric conditions, excessive vibrations or power failure.

2.4 "Hold Up Alarm" means an alarm system installed in a bank, trust company or credit union, designed to indicate the occurrence of a hold up or robbery.

2.5 "Owner" means "owner" as defined in the said *Local Government Act* and shall include "occupier" and any agent of the owner or occupier.

2.6 "Police" shall mean the Royal Canadian Mounted Police, Vernon Detachment.

2.7 "Premises" means any building, structure, residence or facility of any kind.

### 3. Owner's Responsibilities

The Owner of any real property shall be responsible for the proper use, installation, maintenance, operation and monitoring of any security alarm system installed upon

or within the real property or any premises situated or constructed thereon, to ensure the prevention of False Alarms.

4. Exception

This Bylaw does not apply to Fire Alarm Systems that are designed or intended to alert only the occupants of any premises in which they are installed to the existence of fires, smoke or excessive heat.

5. Administration of the Bylaw

The Chief Bylaw Enforcement Officer will administer the application of this bylaw and may delegate his responsibility under this section to another Bylaw Enforcement Officer.

6. Notification to Owners

Upon the first occurrence of a False Alarm by an Alarm System, the police shall inform the Bylaw Enforcement Department of the City. The personnel of the City will notify the Owner of the subject real property that a False Alarm has occurred and of the provisions of the Bylaw and the fees to be imposed for any subsequent False Alarms.

The notice required by this section shall be in writing and shall be mailed by regular mail, postage prepaid to the owner at the address of the subject real property or the owner's address as set out in the tax roll, if that address differs. A notice marked in accordance with this section shall be deemed to have been received by the owner.

7. Fees to be Charged for Police Attendance to False Alarms

- (a) On the occurrence of a second False Alarm to the same real property, during any consecutive twelve month period, there will be a fee charged of \$50.00.
- (b) On the occurrence of a third False Alarm to the same real property, during any consecutive twelve month period, there will be a fee charged of \$75.00.
- (c) On the occurrence of a fourth, and for each subsequent False Alarm, during any consecutive twelve month period, there will be a fee charged of \$100.00 for each such occurrence.

8. Invoicing

- (a) Where a fee is charged in accordance with the Bylaw, the City personnel shall invoice the Owner of the real property for attendance by the Police.
- (b) An invoice issued under this section shall be due upon receipt and payable to the City.

9. Collection of Fees

- (a) Any fees remaining unpaid and outstanding for more than 30 days at December 31 of each calendar year shall be added to and form part of the taxes payable on the real property as taxes in arrears pursuant to the said *Local Government Act*.
- (b) All fees collected become the property of the City.

10. Owner's Attendance

On each occasion that an alarm business reports an alarm to the police it shall immediately telephone, or otherwise contact the owner, occupier or other person responsible for the premises from which the alarm was sent to request that person to attend the premises immediately.

11. Excessive False Alarms

If, in any 12 month period, the police respond to five or more false alarms originating from one alarm system, the Chief Bylaw Enforcement Officer may cause a notice to be sent to the occupier of the property in which the alarm system is installed advising that the police may elect not respond to subsequent alarms.

12. Appeal

12.1 An occupier of premises may appeal the validity of a determination that an alarm was false by submitting a notice in writing to the Chief Bylaw Enforcement Officer within ten days of being notified of the determination of a false alarm. The Chief Bylaw Enforcement Officer may:

- (i) Conduct an internal investigation;
  - (ii) Attempt to resolve the appeal informally with the occupier;
  - (iii) Convene a hearing;
  - (iv) Receive written or oral submissions from the occupier;
- and shall determine whether the alarm was false.

12.2 The determination of the Chief Bylaw Enforcement Officer under this section, of whether an alarm was false, shall be final and inclusive for all purposes.

12.3 The Chief Bylaw Enforcement Officer may delegate his responsibility under this section to another bylaw enforcement officer in the department.

13. Penalty

Any person who violates section 10 of this Bylaw is guilty of an offence and liable upon summary conviction to a fine of not less than \$100.00 for a first offence and of not less than \$200.00 for a second or subsequent offence.

14. Effective Date

This Bylaw should be effective on and from the first day of June, 2002.

READ A FIRST TIME this 13<sup>th</sup> day of May, 2002.

READ A SECOND TIME this 13<sup>th</sup> day of May, 2002.

READ A THIRD TIME this 13<sup>th</sup> day of May, 2002.

ADOPTED this 22<sup>nd</sup> day of July, 2002.

"Sean Harvey"

Mayor:

"Karla Lanktree"

City Clerk: