



**City of Duncan**

**Security False Alarms Bylaw No. 2091**

**(With Amendments to May 21, 2013)**

**Consolidated for Convenience Only**

**This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaws of this subject**

Bylaw No. 3086, 2013 – Adopted May 21, 2013

**CITY OF DUNCAN**

**BYLAW NO. 2091, 2010**

**A Bylaw to Recover Costs for False Security Alarms**

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WHEREAS excessive numbers of false alarms are being permitted to occur by the owners or users of security alarm systems;

AND WHEREAS these false alarms require emergency responses from Police that pose a threat to the safety of Police department members and members of the public by creating unnecessary hazards and delaying the Police response to true emergencies;

AND WHEREAS the *Community Charter* provides that Council may, by Bylaw, (a) provide that persons may engage in a regulated activity only in accordance with the rules established by Bylaw; (b) prohibit persons from doing things with their property; (c) require persons to do things with their property, to do things at their expense and to provide security for fulfilling a requirement;

AND WHEREAS the *Community Charter* provides that Council may, by Bylaw, regulate, prohibit and impose requirements in relation to the health, safety or protection of persons or property and the protection and enhancement of the well-being of its community to prevent or minimize nuisances, disturbances and other objectionable situations;

AND WHEREAS the *Community Charter* provides that Council may collect fees imposed for response to false alarms in the same manner and with the same remedies as property taxes and if the fees are due and payable by December 31 and unpaid on that date, Council may deem it to be taxes in arrears;

NOW THEREFORE the Council of the Corporation of the City of Duncan enacts as follows:

1. CITATION

This Bylaw may be cited for all purposes as the "Security False Alarm Bylaw No. 2091, 2010".

2. DEFINITIONS

In this Bylaw,

"Alarm Incident" means the activation of an alarm system resulting in the direct or indirect reporting of the activation to the Police.

"Alarm System" means a security alarm system.

“Building Inspector” means an individual designated as such, from time to time, by Council as a Building Inspector for the City.

“Bylaw Enforcement/Compliance Officer” means a person appointed by City Council as such, from time to time, to enforce City Bylaws, and includes a Traffic Control Officer, Bylaw Enforcement Officer, or Bylaw Compliance Officer.

“City” means the Corporation of the City of Duncan.

“Council” ” means the elected council of the Corporation of the City of Duncan

“Clerk” means the Corporate Officer of the City of Duncan.

“Emergency Dispatch” means the RCMP Operational Communication Centre for security alarms.

“False Alarm” means the activation of a security alarm system as a result of which services, including Police services, are provided on behalf of the City and the providers of the service do not find any unauthorized entry or commission of an unlawful act in relation to the building, structure, residence or 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;
- iv) An alarm reporting an attempted 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.
- vi) The cause of the alarm cannot be determined.

“Hold Up Alarm” means a device or devices installed on or in any real property and that is designed, intended or used to indicate the occurrence of a hold up or robbery.

“Monitoring Service” means a person, partnership or company engaged in the business of monitoring alarm systems and reporting the occurrence of alarms to the Police departments.

“No Alarm Status” means the designation of any real property as having had no false alarms.

“Officer in Charge” means the Officer in Charge or their designate of the North Cowichan/Duncan Royal Canadian Mounted Police (RCMP).

"Owner" with respect to property means (a) the person who holds legal title to the property or (b) a person who is a conditional purchaser, a lessee or a mortgagor and is entitled to be in possession of the property.

“Person” shall include a corporation.

“Police and Police Department” shall mean the North Cowichan/Duncan RCMP Detachment.

“Property Reference” means a person, persons or company employed to represent the owner or occupier of any real property.

“Security Alarm System” means any mechanical, electrical or electronic device which is designed, intended or 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, including a hold up alarm system, or both, and which emits a sound or transmits a message, or does both, but does not include:

- i) A device which registers an alarm which is not audible, visible or perceptible outside the premises inside which it is installed, or
- ii) A device which is installed in a motor vehicle.

### SEVERABILITY AND HEADINGS

- 3. a) A section, subsection, sentence, clause or phrase of this Bylaw, which is for any reason held to be invalid by the decision of any Court of competent jurisdiction, may be severed from the balance of this Bylaw without affecting the validity of the remaining portions of this Bylaw.
- b) Section headings do not form part of this Bylaw. They are included for convenience only and must not be used in interpreting this Bylaw.
- c) The schedule attached to this Bylaw forms part of this Bylaw.

### OWNER’S RESPONSIBILITIES

- 4. The owner or occupier of real property shall be responsible for the proper use, installation, maintenance and operations of any security alarm system installed on or in the real property in order to ensure the prevention of false alarms.

### OWNER’S RESPONSIBILITIES – DESIGNATED REFERENCES

- 5. a) Every owner or occupier of real property who uses a security alarm system must, within 72 hours of the installation of the system, keep the Police informed by notice in writing of the names, addresses and telephone numbers of:
  - i. Monitoring Service, if applicable; or
  - ii. At least three persons who will be known as Property References who may be contacted in the event of an alarm incident.
- b) The Police Department is to be informed of any changes to the Monitoring Service or Property Reference contact information by notice in writing of the names, addresses and telephone numbers within 72 hours of those changes.

### MONITORING SERVICE OFFENCE

6. It shall be an offence for a monitoring service to report an alarm to the Police, other than a hold up alarm, unless it has first placed a telephone call to the premises from which the alarm was sent to verify that the alarm is not a false alarm.

#### DESIGNATED REFERENCE RESPONSIBILITIES

7. a). The monitoring service representative and or the Property References whose names are provided pursuant to subsection 5(ii) must be persons who are:
  - i. Available to receive telephone calls from the Police Department or Monitoring Service in the event of an alarm incident;
  - ii. Able to attend at the address of the alarm incident within thirty (30) minutes of being requested to do so by the Police Department or Monitoring Service;
  - iii. Capable of affording the Police access to the premises where the alarm incident is located; and
  - iv. Capable of operating the alarm system and able to safeguard the premises.

#### FEES TO BE CHARGED FOR ATTENDANCE AT FALSE ALARMS:

8. The owner or occupier of real property to which the services of the Police department are provided in response to a false alarm shall pay to the City, the following fees:

##### **False Alarms**

- a) On the occurrence of a 1<sup>st</sup> false security alarm to the same real property, during any consecutive twelve (12) month period, there will be no fee charged.
- b) On the occurrence of a 2<sup>nd</sup> false security alarm to the same real property, during any consecutive twelve (12) month period, there will be a fee charged of \$150.00.
- c) On the occurrence of a 3<sup>rd</sup> and subsequent false security alarm to the same real property, during any consecutive twelve (12) month period, there will be a fee charged of \$500.00.

##### **Invoicing**

- d) Any fees imposed under this Bylaw shall be due and payable within 45 days of invoice and, if not paid on December 31st of the year in which they are imposed, shall be added to and form part of the taxes payable on the real property as taxes in arrears.

#### POLICE STANDBY FEE

9. a) There shall be imposed upon the Owner or Occupier of the property at which a false alarm incident has occurred, the following standby fee in any case where the designated property reference fails to attend within 30 minutes of notification:

Police Standby Fee - \$350.00 per hour.

- b) A minimum of one (1) hour will be charged for standby as described in Section 9.a).

#### CANCELLATION AND RESUMPTION OF POLICE RESPONSE

- 10.a) If in any 12 month period the Police respond to three (3) or more false alarms originating from one alarm system, the Officer in Charge may cause a notice to be sent to the Owner and Occupier of the property in which the alarm system is installed advising that the Police shall not respond to subsequent alarms.
- b) Before response to security alarms will resume, the owner or occupier of real property must provide evidence to the Police Department that a certified alarm service company has reviewed the security alarm system, identified the cause(s) of the false alarm and rectified the cause(s) of the false alarm.
- c) On receipt of a valid inspection report, the Police Department may resume security alarm system response and a new twelve (12) month period will begin from the date of the evidence provided by a certified alarm service company.

#### FORCED ENTRY

- 11. In the event that Police officers cause forced entry to the premises due to the false alarm, all costs incurred to secure the building will be imposed on the occupier or owner of the property.

#### APPEAL

- 12.a) The Owner or Occupier of premises may appeal the validity of a determination that an alarm was false by submitting a notice in writing to the Officer in Charge within 10 days of being notified of the determination of a false alarm. The Officer in Charge may:
  - i) Conduct an internal investigation;
  - ii) Attempt to resolve the appeal informally with the Owner or Occupier;
  - iii) Convene a hearing;
  - iv) Receive written or oral submissions from the occupier; and shall determine whether the alarm was false.
- b) The determination by the Officer in Charge under this Section, of whether an alarm was false, shall be final and conclusive for all purposes.
- c) The Officer in Charge may delegate his responsibility under this Section to another staff member in the Police Department.

## OBSTRUCTION OF DUTIES

13. No person shall obstruct or interfere with any Peace Officer, Bylaw Enforcement/Compliance Officer or Building Inspector in the exercise of any of the powers granted to or duties imposed on them pursuant to this Bylaw.

## FORMS

14. The Clerk may prescribe the form of notices and invoices for the purposes of this Bylaw.

## PENALTY

15. a) Every person who violates any of the provisions of this Bylaw, or who causes, suffers, or permits any act or thing to be done in contravention or in violation of any of the provisions of this Bylaw, or who neglects or refrains from doing anything required to be done by any of the provisions of this Bylaw, or who fails to comply with any order, direction or notice given under this Bylaw, is guilty of committing an offence against this Bylaw and is liable on summary conviction to a fine of not less than \$150.00 and to a maximum not exceeding the maximum allowed by the *Offence Act*, as amended, and the cost of prosecution.
- b) Notwithstanding Section 15. a), any person who is guilty of obstructing a Peace Officer, Bylaw Enforcement/Compliance Officer or Building Inspector while performing his/her duties in relation to this Bylaw is liable on summary conviction to a fine of not less than \$2,000.00, or to imprisonment, or to both a fine and imprisonment, not exceeding the maximum allowed by the *Offence Act*, as amended, and the cost of prosecution.
- c) Where an offence under this Bylaw is of a continuing nature, each day that the offence continues or is permitted to exist shall constitute a separate offence.

## FORCE AND EFFECT

16. This Bylaw comes into force and takes effect on adoption.

READ A FIRST TIME THE 21<sup>ST</sup> DAY OF JUNE 2010.

READ A SECOND TIME THE 21<sup>ST</sup> DAY OF JUNE 2010

READ A THIRD TIME THE 21<sup>ST</sup> DAY OF JUNE, 2010.

ADOPTED THE 19<sup>TH</sup> DAY OF JULY, 2010.

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Director of Corporate Services

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Mayor