

"FALSE ALARM BYLAW 1994 NO. 4786"

Consolidated Version For Convenience Only

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Includes Amendment: 4819

CITY OF NANAIMO

BYLAW NO. 4786

A BYLAW TO REDUCE FALSE ALARMS

WHEREAS Section 932.1 of the *Municipal Act* provides that Council may establish fees to be paid by the owner or occupier of real property to which Policing services are provided in response to a false alarm of a security alarm system;

AND 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 posing a threat to the safety of Police Officers and members of the public by creating unnecessary hazards and delaying the Police response to true emergencies;

AND WHEREAS under Section 526 of the *Municipal Act* the Council may regulate the carrying on of business in the municipality for the purpose of protecting the public or preventing or minimizing nuisances;

NOW THEREFORE the Council of the City of Nanaimo in open meeting assembled enacts as follows:

Title

1. This bylaw may be cited as City of Nanaimo "FALSE ALARM BYLAW 1994 NO. 4786".

2. Definitions

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.

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, 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.

Director of Community Safety means a person appointed by Council to the position of Director of Community Safety of the City of Nanaimo.

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 attempted entry or commission of an unlawful act on or 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.

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.

Police means the Royal Canadian Mounted Police, Nanaimo Detachment.

3. It shall be an offence for an alarm business 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 the alarm is not a false alarm.

4. 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.

5. (a) If in any 12 month period the Police respond to three false alarms originating from one alarm system, the Officer-In-Charge of the Police shall cause a notice to be sent to the occupier of the property in which the alarm system is installed advising of the occurrence of the false alarms and of the consequences which may arise if further false alarms occur.

(b) If in any 12 month period the police respond to a fourth or fifth false alarm originating from one alarm system, there shall be imposed on the occupier of the property in which the alarm system is installed a fee of \$140.00 for the fourth and fifth false alarm.

(c) Any fees imposed under this bylaw shall be due and payable within 45 days of invoice and, if unpaid 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.

(d) If in any 12 month period the Police respond to a fifth false alarm

originating from one alarm system, the Officer-In-Charge of the Police may cause a notice to be sent to the occupier of the property in which the alarm system is installed advising that the Police shall not respond to subsequent alarms. The Police shall advise the Director of Community Safety, in writing, of any notices sent regarding the withdrawal of alarm response service by the Police.

(e) Notwithstanding Subsection (d), where the Police have not caused a notice to be sent under that subsection and if the Police respond to a sixth or subsequent false alarm originating from one alarm system within any twelve month period, there shall be imposed on the occupier of the property in which the alarm system is installed a fee of \$140.00 for each false alarm. (Bylaw No. 4819)

6. Appeal

(a) An occupier of premises may appeal the validity of a determination that an alarm was false by submitting a notice in writing to the Director of Community Safety within ten days of being notified of the determination of a false alarm. The Director of Community Safety or his delegate may:

- i. conduct such inquiries as are deemed necessary to determine the circumstances of the alarm response;
- ii. convene a hearing;
- iii. receive a written and/or oral submission from the occupier of the premises and from the Police respecting the alarms;

and shall determine whether the alarm was false.

(b) The determination by the Director of Community Safety or his delegate under this Section, respecting whether an alarm was false, shall be final and conclusive for all purposes.

7. An owner or occupier of a premises which has had service withdrawn may seek a restoration of service by making application to the Director of Community Safety. The Director, if satisfied that reasonable efforts have been taken to correct the problem causing the repeat alarms, may direct the Officer-In-Charge of the Police to resume service.

8. Where service is resumed pursuant to Section 7:

(a) If a sixth or seventh false alarm is received originating from one alarm system within any one 12 month period, there shall be imposed on the occupier of the property in which the alarm system is installed a \$200.00 fee for the sixth and seventh false alarms which, if unpaid then the fee may be enforced in accordance with Section 5(c) of this Bylaw.

(b) If in any 12 month period the Police respond to a seventh false alarm originating from one alarm system, the Officer-In-Charge of the Police may cause a notice to be sent to the occupier of the property in which the alarm system is installed advising that the Police shall not respond to subsequent alarms.

(c) The occupier of the premises from which service has been withdrawn under Subsection (b) shall not be eligible to have service restored for one calendar year from the date of the seventh false alarm and must make further application to the Director of Community Safety or his delegate for the resumption of service after the expiry of the one year period.

9. Any person who violates Sections 3 or 4 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.