

District of Chetwynd

BYLAW NO. 1135

A BYLAW TO PROVIDE FOR THE REGULATION OF FIRE AND SECURITY ALARM SYSTEMS

WHEREAS Part 3, Division 10 of the *Community Charter* authorizes a local government to regulate, prohibit and impose requirements in relation to the protection of persons and property;

AND WHEREAS section 196 of the *Community Charter* authorizes a local government to impose fees for False Alarms originating from fire and security Alarm Systems;

AND WHEREAS such False Alarms require emergency responses from the Fire Department and/or Police and such unnecessary emergency responses pose a threat to the safety of fire fighters, Police and members of the public by creating unnecessary hazards and, in addition, fire and Police response to a False Alarm may result in a delayed response to a true emergency;

AND WHEREAS excessive numbers of False Alarms are being permitted to occur by the Owners or users of fire and security Alarm Systems;

AND WHEREAS the Council of the District of Chetwynd deems it expedient to provide for regulations and prohibitions regarding emergency services in response to False Alarms;

AND WHEREAS section 258(1)(b) of the *Charter* permits the recovery of unpaid fees for fees that are to be paid by the Owner of real property for services in response to a False Alarm in the same manner as taxes deemed in arrears;

NOW THEREFORE the Council of the District of Chetwynd in open meeting assembled enacts as follows:

1. CITATION

This bylaw may be cited as "District of Chetwynd False Alarm Bylaw No. 1135, 2021."

2. DEFINITIONS

In this bylaw the following definitions shall apply:

"Activate" or **"Activation"** means the triggering of an Alarm System, either intentional or accidental, which results in an alarm response including, but not limited to, an audible siren, bell or buzzer; visual light display; alert to a Monitoring Service; or dispatch of Police or Fire Department personnel;

"Alarm Incident" means the Activation of an Alarm System;

"Alarm System" means any mechanical, electrical or electronic device which is designed, intended or used to activate either an audible alarm signal and/or transmission of a message to alert Police, the Fire Department or a Monitoring Service, but does not include:

- a) a device which registers an alarm which is not audible, visible or perceptible outside the Premises inside which it is installed, or
- b) a device which is installed in a motor vehicle;

"Contact Person" means an individual designated by the Owner of a Premises at which an Alarm System has been installed who is:

- a) available to receive calls from the Fire Department, Police or a Monitoring Service in the event of an Alarm Incident,
- b) able to attend at the address of the Alarm Incident within 15 minutes of being requested to do so by the Fire Department, Police or a Monitoring Service,
- c) capable of providing access to the Premises where the Alarm Incident has occurred, and
- d) capable of operating the Alarm System and able to secure the Premises;

"District" means the District of Chetwynd;

"False Alarm" means an Alarm Incident which results in the provision of services on behalf of the District by Fire Department, Police or other emergency response services where such fire or police services were not required. False Alarm Incidents include but are not limited to:

- a) the testing of an Alarm System without notice to the Fire Department, Police or Monitoring System which results in a Fire Department or Police Department response,
- b) an Alarm System actually or apparently Activated by mechanical failure, malfunction, faulty equipment, or failure to perform regular system inspections or maintenance the system,
- c) an Alarm System Activated by user error,
- d) an Alarm System reporting a fire, a fire emergency or security emergency situation occurring on or in relation to the Premises in which the Alarm System is installed where no evidence exists or where no such event took place,
- e) an Alarm System actually or apparently Activated by atmospheric conditions, excessive vibrations or power failure,
- f) a Premises at which the Fire Department or Police do not find any evidence of unlawful acts, fire, fire damage, or smoke notwithstanding an Activation, or
- g) a Premises where there has been no fire, security, or other emergency situation notwithstanding an Activation;

"Fire Department" means the District of Chetwynd Volunteer Fire Department or any successor organization providing fire protection services in the District;

"Monitoring Service" means a person, partnership or company engaged in the business of monitoring Alarm Systems and reporting the Activation of an Alarm System to the Fire Department or Police;

"Owner" means the registered owner of a Premises or a person acting under the authority of the Owner;

"Police" means the Chetwynd detachment of the Royal Canadian Mounted Police or any successor organization providing police services in the District;

"Premises" means the land and improvements serviced by an Alarm System; and

"ULC" means Underwriters Laboratories of Canada or any successor organization that is responsible for testing, inspecting and certifying Alarm Systems.

3. OWNER RESPONSIBILITIES

- (1) The Owner of a Premises shall be responsible for the proper use, maintenance and operation of any Alarm System installed in or on the Premises in order to ensure the prevention of False Alarms.
- (2) Every Owner of a Premises must, within 72 hours of installation of the Alarm System, advise the Fire Department and Police by way of written notice of the names, addresses, contact information of the Monitoring Service and at least three Contact Persons for the Premises. Owners are responsible for notifying the Fire Department and Police immediately if this contact information changes.
- (3) Every Owner of a Premises must notify the Monitoring Service, and if necessary the Fire Department and Police, at least thirty (30) minutes before testing or repairing the Alarm System.
- (4) The Owner of a Premises must install, maintain and operate the Alarm System in a manner that ensures prevention of False Alarms.
- (5) No person shall prevent or obstruct or attempt to prevent or obstruct entry of any District employee authorized to enter upon property by this bylaw.

4. MONITORING SERVICE

A Monitoring Service shall not report an alarm to the Fire Department or Police unless it has first placed a call to the Premises or the appropriate Contact Person to determine whether the alarm is valid. This prohibition does not apply in the case of an Alarm System requiring ULC listed monitoring where the standard requires the quickest possible dispatch.

5. FEES TO BE CHARGED FOR ATTENDANCE AT FALSE ALARMS

- (1) If the Fire Department or Police respond to three or more False Alarms originating from the same Premises during any 12 month period, calculated from the date of the last False Alarm, the Owner of the Premises shall pay a fee to the District of \$200 for the third and any subsequent False Alarm during that 12 month period.
- (2) In addition any fees that may be to be charged under Section 5(1), if the Fire Department or Police respond to more than four False Alarms from the same Premises during any 24 month period, the Owner of the Premises shall pay a fee to the District of \$500 for the fifth and any subsequent False Alarm during that 24 month period.
- (3) Any fees imposed under this bylaw shall be due and payable by the Owner of the Premises within 30 days of the date of the invoice and, if not paid by December 31st of the year in which the fees are owed, the unpaid amounts shall be added to and form part of the taxes payable for the Premises.

6. OFFENCE

Each person who contravenes a provision of this bylaw is guilty of an offence and is liable on summary conviction of a fine not more than \$10,000.

7. SEVERABILITY

Each section of this bylaw shall be severable. If any provision of this bylaw is held to be illegal or invalid by a Court of competent jurisdiction, the provision may be severed and the illegality or invalidity shall not affect the validity of the remainder of this bylaw.

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| Read a first time this | 6 th day of April, 2021. |
| Read a second time this | 6 th day of April, 2021. |
| Read a third time this | 6 th day of April, 2021. |
| Adopted this | 3 rd day of May, 2021. |

ORIGINAL SIGNED BY
Corporate Officer

ORIGINAL SIGNED BY
Mayor

CERTIFIED a true and correct copy of “District of Chetwynd False Alarm Bylaw No. 1135, 2021” as adopted this 3rd day of May, 2021.

ORIGINAL SIGNED BY
Corporate Officer