

THE CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 2784

A Bylaw to regulate in relation to alarm systems and to reduce false alarms

WHEREAS Section 196(1) of the *Community Charter* provides that Council may establish fees to be paid by the owner or occupier of real property to which Fire services are provided in response to a false alarm of a security or fire alarm system;

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

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

AND WHEREAS under Section 8(6) of the *Community Charter* 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 Corporation of the Township of Esquimalt in open meeting assembled enacts as follows:

TITLE

1. This Bylaw may be cited as the "False Alarm Bylaw, 2012, No. 2784."

DEFINITIONS

2. In this Bylaw, unless the context otherwise requires:

"FALSE ALARM" means the activation of a security alarm or fire alarm system as a result of which services, including Fire and emergency services, are provided on behalf of the Township and the providers of the service do not find any evidence of fire, fire damage, smoke 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 Fire 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 fire 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.

“FIRE and FIRE DEPARTMENT” means the Township of Esquimalt Fire Department.

“FIRE ALARM SYSTEM” means a device or devices installed on or in real property and designed to issue a warning of a fire by activating an audible alarm signal or alerting a Monitoring Service but does not include a fire alarm system that is intended to alert only the occupants of a single family dwelling unit in which it is installed.

“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 and Fire departments.

“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, 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 in which it is installed, or
- ii) A device which is installed in a motor vehicle.

MONITORING SERVICE

3. It shall be an offense for a Monitoring Service to report an alarm to the Fire Department unless it has first placed a telephone call to the premises from which the alarm was sent or to the Property Reference to verify that the alarm is not a false alarm.

OWNER’S RESPONSIBILITIES

4. The owner of real property shall be responsible for the proper use, installation, maintenance and operation of any security alarm system or fire 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 of real property who uses a security alarm system or fire alarm system must, within 72 hours of the installation of the system, keep the Fire Department informed by notice in writing of the names, addresses and telephone numbers of:
 - i) A 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 Fire Department are to be informed of any changes to the Monitoring Service or Property Reference contact information by notice in writing within 72 hours of those changes.

DESIGNATED REFERENCE RESPONSIBILITIES

6. The Monitoring Service representative or the Property References whose names are provided pursuant to subsection 5(a)(ii) must be persons who are:

- i) Available to receive telephone calls from the Police or Fire Department or Monitoring Service in the event of an alarm incident;
- ii) Able to attend at the premises of the alarm incident within thirty (30) minutes of being requested to do so by the Police or Fire Department or Monitoring Service;
- iii) Capable of affording the Police or Fire Department 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 FOR ATTENDANCE AT FALSE ALARMS

7. a) If in any 12 month period the Fire Department respond to three (3) false alarms originating from one alarm system, the Fire Chief shall cause a notice to be sent to the owner 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 Fire Department responds to four (4) or more false alarms originating from one alarm system, there shall be imposed on the owner of the property in which the alarm system is installed a fee of \$200.00 for the fourth and each subsequent false alarm.
- c) In any case where the designated Property Reference fails to attend within 30 minutes of notification, there shall be imposed upon the owner of the property at which a false alarm incident has occurred a Fire Department standby fee charged at the rate of \$500.00 per hour or portion thereof.
- d) In the event that Fire officers cause forced entry to the premises due to a false alarm, all costs incurred to secure the building will be imposed on the owner of the property.
- e) 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.

APPEAL

8. a) The owner premises may appeal the determination that an alarm was false by submitting a notice in writing to the Fire Chief within 10 days of being notified of the determination of a false alarm. The Fire Chief may:
 - i) Conduct an internal investigation;
 - ii) Attempt to resolve the appeal informally with the owner;
 - iii) Convene a hearing;
 - iv) Receive written or oral submissions from the owner and occupier;and shall determine whether the alarm was false.

- b) The determination by the Fire Chief under this Section of whether an alarm was false shall be final and conclusive for all purposes.
- c) The Fire Chief may delegate his or her responsibility under this Section to another staff member in the Fire Department.

OFFENCE AND PENALTY

- 9. Any person who violates any provision of this Bylaw, or who suffers, causes or permits any act or thing to be done in contravention of this Bylaw, or who neglects to do or refrains from doing any act or thing which is required to be done by any of the provisions of this Bylaw, is guilty of an offence.
- 10 Every person convicted of an offence under this Bylaw shall be liable upon summary conviction to a fine not exceeding Two Thousand Dollars (\$2,000.00).
- 11. Where any violation continues, each day in which it continues shall be deemed to be a separate offence.

Read a first time on the 16th day of January, 2012.

Read a second time on the 16th day of January, 2012.

Read a third time on the 16th day of January, 2012.

ADOPTED on the 23rd day of January, 2012.

BARBARA DESJARDINS
MAYOR

ANJA NURVO
CORPORATE OFFICER