

CITY OF PARKSVILLE

BYLAW NO. 1542

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 nuisance, disturbances and other objectionable situations;

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 City of Parksville deems it expedient to provide for regulations and prohibitions regarding emergency services in response to false alarms;

AND WHEREAS section 258 of the *Charter* permits the recovery of unpaid fees for services provided to land or improvements in the same manner as taxes deemed in arrear;

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

1. CITATION

This bylaw may be cited as "City of Parksville False Alarm Bylaw, 2018, No. 1542"

2. DEFINITIONS

In this bylaw the following definitions shall apply:

"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 system; or dispatch of police or fire department personnel.

"Alarm Incident" means the activation of a Fire or Security Alarm System, or both.

"Alarm System" means either a Fire or Security Alarm System installed in a building or on a property and designed to activate either an audible alarm signal and/or to alert a monitoring facility and does not include vehicle alarms or panic alarms in financial or public institutions.

"City" means the City of Parksville.

"Contact Person" means an individual designated by the owner or occupier of a building or property at which an alarm system has been installed who is:

- a) Available to receive calls from the Fire Department, Police or Monitoring Service in the event of an Alarm Incident;
- b) Able to attend at the address of the alarm incident within 30 minutes of being requested to do so by the Fire Department, Police or Monitoring Service;
- c) Capable of providing access to the premises where the alarm incident has occurred;
- d) Capable of operating the alarm system and able to secure the premises.

"Fire Department" means the City of Parksville Volunteer Fire Department.

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

"Police" means the Oceanside detachment of the Royal Canadian Mounted Police.

"False Alarm" means the activation of a security or fire alarm system as a result of which fire, police or emergency response services are provided on behalf of the City and the providers of the service do not find any evidence of unlawful acts; fire; fire damage; smoke in relation to the building, structure, residence or facility; or where there has been no other fire or security emergency situation. False alarm incidents include but are not limited to:

- (a) the testing of an alarm without notice to the alarm monitoring station which results in a Fire or Police Department response;
- (b) an alarm actually or apparently activated by mechanical failure, malfunction, faulty equipment, or failure to perform regular system inspections or maintenance the system;
- (c) an alarm activated by user error;

- (d) an alarm reporting a fire, a fire emergency or security 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;
- (e) an alarm actually or apparently activated by atmospheric conditions, excessive vibrations or power failure.

3. OWNER / OCCUPIER RESPONSIBILITIES

- (1) The owner or occupier of a premises shall be responsible for the proper use, maintenance and operation of any fire or security alarm system installed in or on the premises in order to ensure the prevention of false alarms.
- (2) Every owner or occupier of a premises at which an alarm system is installed must, within 72 hours of installation of the system, advise the Fire and Police Department by way of written notice of the names, addresses, contact information of the monitoring service and at least three contact persons for the property. Owners are responsible for notifying the Fire and Police departments immediately if this contact information changes.
- (3) Every owner or occupier of a premises at which an alarm system is installed must notify the monitoring station, and if necessary the Fire and Police departments, at least thirty (30) minutes before testing or repairing the alarm system.
- (4) The owner or occupier 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 City employee authorized to enter upon property by this bylaw.

4. MONITORING SERVICE

A monitoring service shall not report an alarm to the Fire or Police Departments unless it has first placed a call to the premises or the appropriate contact person to determine whether the alarm is valid. This does not apply in the case of a fire 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) In any 12 month period, if the Fire Department or Police respond to more than two false alarms originating from the same property, the owner or occupier of the property, or both, in which the alarm system is installed shall pay a fee to the City of \$250 for the third and any subsequent false alarm.

- (2) In any 24 month period, if the Fire Department or Police respond to more than four false alarms from the same property, the owner or occupier of the property in which the alarm system is installed shall pay a fee to the City of \$500 for the fifth and any subsequent false alarm.
- (3) Any fees imposed under this bylaw shall be due and payable within 30 days of invoice and, if not paid by 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.

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.

8. REPEAL

"City of Parksville Fire and Security Alarm Systems Regulation Bylaw, 1993, No. 1165" and its amendments are hereby repealed.

READ A FIRST TIME this 8th day of August, 2018

READ A SECOND TIME this 8th day of August, 2018

READ A THIRD TIME this 8th day of August, 2018

RECONSIDERED AND FINALLY ADOPTED this 20th day of August, 2018

Original signed by M. Lefebvre

Mayor

Original signed by A. Weeks

Deputy Corporate Officer