



CORPORATION OF THE
DISTRICT OF TOFINO

**District of Tofino False Alarm Bylaw
No. 1272, 2019**

Effective Date – October 8, 2019

DISTRICT OF TOFINO

BYLAW NO. 1272, 2019

A bylaw to establish the position of a Bylaw Enforcement Officer
and provide for the appointment of employees to the position

WHEREAS 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 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 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;

NOW THEREFORE the Council of the District of Tofino, in open meeting, enacts as follows:

1. Name

The name of this Bylaw for citation purposes is “District of Tofino False Alarm Bylaw No. 1273, 2019.”

2. Definitions

In this Bylaw:

Alarm Incident means the activation of a Fire Alarm System.

Alarm Monitoring Service means a person or company engaged in the business or service of monitoring alarm systems and reporting the activation of fire alarm systems to the Fire Department;

Fire Alarm System means any assembly of mechanical, electrical, or electronic devices which is primarily intended to be used for the detection of smoke or fire and which emits sound or transmits a sound signal, or message when activated;

Council means the District of Tofino Council;

District means the Corporation of the District of Tofino;

False Alarm means the activation of an alarm system resulting in the attendance of the Fire Department at the property where there is no apparent or actual evidence that there is smoke or fire occurring in or on property and includes, without limitation, a false alarm,

- a) during the installation, maintenance, testing or removal of a fire alarm system;
- b) due to the mechanical or electrical failure of an fire alarm system; or
- c) due to the misuse or improper operation of an fire alarm system.

Fire Department means the Tofino Volunteer Fire Department;

3. Owner’s Responsibilities

(1) Every owner of real property where a fire alarm system is installed shall ensure the proper use, maintenance and operation of the fire alarm system.

(2) No owner of real property where a fire alarm system is installed shall cause or allow a false alarm to occur on the property.

(3) Every owner of real property who uses a Fire Alarm Monitoring Service 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:

(a) The Monitoring Service; and

(b) A Contact Person who may be contacted in the event of an Alarm Incident.

(4) The Fire Department are to be informed of any changes to the contact information of the Monitoring Service or Contact Person by notice in writing within 72 hours of those changes.

4. Fire Alarm Monitoring Services

(1) Where a fire alarm system is capable of automatically contacting the Fire Department to request their attendance at a property, every owner of the property shall employ the services of an Alarm Monitoring Service that will:

(a) verify, through means independent of the alarm sensors, that a condition exists on the premises that actually requires the attendance of the Fire Department; and,

(b) provide the Fire Department with the name, address and phone number of a Contact Person who will report to Fire Department officials at the property within thirty (30) minutes of notification.

5. Contact Person Responsibilities

(1) The Contact Person whose name is supplied pursuant to subsections 3(3)(b) or 4(1)(b) must be persons who are:

(a) available to receive telephone calls from the Fire Department or Monitoring Service in the event of an Alarm Incident;

(b) able to attend at the address of the Alarm Incident within thirty (30) minutes of being requested to do so by the Fire Department or Monitoring Service;

(c) capable of affording the Fire Department access to the premises where the Alarm Incident is located; and

(d) capable of operating the Fire Alarm System and able to safeguard the premises.

6. False Alarm Fees

(1) After the first false alarm in a twelve month period, 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 alarm and of the consequences which may arise if further false alarms occur.

(2) Where a false alarm has occurred more than one time originating from one alarm system, a false alarm fee shall be charged in accordance with the District of Tofino's Fees and Charges Bylaw.

(3) In any case where the designated Contact Person 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 Pumper Truck fee in accordance with the District of Tofino's Fees and Charges Bylaw.

(4) 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.

7. Collection of Fees

- (1) Where a false alarm fee is charged to the owner or occupier of property, the District will invoice the owner of the property within 60 days of the false alarm.
- (2) Any fee imposed under this Bylaw remaining unpaid at December 31 of that year shall be added to and form part of the taxes payable on the real property where the false alarm occurred as taxes in arrears.

8. Offences

- (1) Every person who contravenes a provision of this Bylaw commits an offence and each day that the violation is caused or allowed to continue, constitutes a separate offence.
- (2) Every person who commits an offence against this Bylaw:
 - (a) shall be liable for the fines and penalties established under the “District of Tofino Bylaw Notice Enforcement and Dispute Adjudication System Bylaw No. 1107, 2010”;
 - (b) may be a party to an enforcement proceeding brought in Supreme Court; or any combination of 8(a) and (b).

9. Collection of Fees

- (1) Where a fee is imposed under this Bylaw, the District will invoice the owner of the real property within 60 days of the false alarm.
- (2) Any fee imposed under this Bylaw remaining unpaid at December 31 of that year shall be added to and form part of the taxes payable on the real property where the false alarm occurred as taxes in arrears.

10. Severability

If any provision of this Bylaw is held to be invalid by any court of competent jurisdiction, that provision shall be severed and its severance shall not affect the validity of the remainder of the Bylaw.

READ A FIRST TIME on September 10, 2019

READ A SECOND TIME on September 10, 2019

READ A THIRD TIME on September 10, 2019

ADOPTED on October 8, 2019

Josie Osborne, Mayor

Robert MacPherson, Corporate Officer