

## City of Chilliwack

### Bylaw No. 3747

#### A bylaw to regulate the use of security and fire alarm systems

---

WHEREAS Section 196(1) of the *Community Charter*, S.B.C. 2003, c. 26 (the "*Community Charter*") provides that Council may, by bylaw, establish a service where fees are to be paid by the owner or occupier of real property to which policing services and Fire Department services are provided in response to a false alarm of a security or fire alarm system;

AND WHEREAS Section 196(2) of the *Community Charter* provides that a fee for a false alarm may vary depending on the number of occasions on which services are provided in response to a false alarm;

AND WHEREAS Council for the City of Chilliwack (the "City") has determined that excessive false alarms in the City constitute a cost and nuisance to the residents of the City and it is therefore desirable to exercise the authority granted under the *Community Charter*,

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

1. This Bylaw may be cited as "**False Alarm Bylaw 2011, No. 3747**".
2. "Security and Fire Alarm System Regulation Bylaw 2002, No. 2875" and all amendments thereto are hereby repealed.

#### INTERPRETATION

3. In this Bylaw:

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

"alarm system" means any assembly of mechanical, electrical, or electronic devices which is primarily intended to be used for:

- (1) the detection of entry or attempted entry or damage to property, and which emits sound or transmits a sound, signal or message when activated, but does not include a device that is installed in a "motor vehicle" or "motor home" as defined in the *Motor Vehicle Act*, R.S.B.C. 1996, c. 318; or
- (2) the detection of smoke or fire and which emits sound or transmits a sound, signal, or message when activated;

"City" means the City of Chilliwack;

"false alarm" means the activation of an alarm system resulting in the attendance of the RCMP or the Fire Department at the property where:

- (1) there is no apparent or actual evidence that an unauthorized entry or unlawful act has been attempted or made into or respecting property; or,
  - (2) 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,
- (3) during the installation, maintenance, testing or removal of an alarm system;
  - (4) due to the mechanical or electrical failure of an alarm system; or
  - (5) due to the misuse or improper operation of an alarm system;

“false alarm fee” means the fee or fees set out in Schedule “A” and forming part of this Bylaw;

“Fire Department” means the Chilliwack Fire Department;

“RCMP” means the Chilliwack Detachment of the Royal Canadian Mounted Police which is responsible for the provision of municipal policing services in accordance with and pursuant to the terms of contractual arrangements made between the City and the Province of British Columbia, as represented by the Ministry of the Attorney General, and the *Police Act*, R.S.B.C. 1996, c. 67.

#### **MAINTENANCE OF ALARM SYSTEMS**

4. Every owner or occupier of real property where an alarm system is installed shall ensure the proper use, maintenance and operation of the alarm system.
5. No owner or occupier of real property where an alarm system is installed shall cause or allow a false alarm to occur on the property. Without limitation, an owner or occupier of real property where an alarm system is installed is guilty of an offence in respect of every false alarm that occurs in or on the real property.

#### **ALARM MONITORING SERVICES**

6. Subject to Section 7, where an alarm system is capable of automatically contacting the Police or 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 Police or Fire Department; and,
  - (b) provide the Police or Fire Department with the name, address and phone number of a person who will report to Police or Fire Department officials at the property within one hour of notification.
7. An owner or occupier is exempt from the requirement in Section 6(a) if the alarm system is in full compliance with CAN/ULC – S524-01.

## FALSE ALARMS

8. Where a false alarm has occurred on real property, a false alarm fee, calculated in accordance with Schedule "A" of this Bylaw, shall be due and payable on receipt of notice from the City by:
- (a) the occupier of the property at the time of the false alarm; or,
  - (b) the registered owner of the property if the occupier of the property cannot reasonably be ascertained.

## INVOICING

9. Where a false alarm fee is charged to the owner or occupier of property, the City will invoice the owner or occupier of the property within 60 days of the false alarm.

## DEFAULT

10. 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.

## OFFENCE AND PENALTY

11. Every person who violates any provision of this Bylaw, or who allows or permits any act or thing to be done in violation of any provision of this Bylaw, or who neglects to or refrains from doing anything required to be done by any provision of this Bylaw is guilty of an offence against this Bylaw and is liable to the penalties imposed under this Bylaw and each day that a violation continues to exist is deemed to be a separate offence against the Bylaw.
12. Every person who commits an offence against this Bylaw shall be liable upon summary conviction to a fine or to imprisonment, or to both a fine and imprisonment, not exceeding the maximum allowed by the *Offence Act*, as amended.

## SEVERABILITY

13. If any portion of this Bylaw is held invalid by a Court of competent jurisdiction, then that invalid portion shall be severed and the remainder of this Bylaw shall be deemed to have been adopted without the severed portion.

Received first reading on the 5<sup>th</sup> day of April, 2011.

Received second reading on the 5<sup>th</sup> day of April, 2011.

Received third reading on the 5<sup>th</sup> day of April, 2011.

Finally passed and adopted on the 19<sup>th</sup> day of April, 2011.

\_\_\_\_\_  
"Sharon Gaetz"

Mayor

\_\_\_\_\_  
"Karla D. Graham"

Clerk

**Schedule "A"**

**False Alarm Fee Schedule**

The false alarm fee shall be as follows:

- (a) for the first false alarm within a calendar year, the fee is \$100.00;
- (b) for the second false alarm within a calendar year, the fee is \$200.00;
- (c) for the third false alarm within a calendar year, the fee is \$300.00; and
- (d) for each false alarm after the third false alarm within a calendar year, the fee is \$400

