

THE CORPORATION OF THE DISTRICT OF SUMMERLAND

BYLAW NUMBER 2014-004 – FALSE ALARM BYLAW

A BYLAW TO ESTABLISH A SERVICE WHERE FEES ARE TO BE PAID IN RESPONSE TO A FALSE ALARM

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 policing services and Fire Department services are provided in response to a false alarm of a security 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 excessive numbers of false alarms are being permitted to occur by the owners or users of these alarms systems;

AND WHEREAS these false alarms require emergency responses from the police departments posing a threat to the safety of these officers and members of the public by creating unnecessary hazards and delaying a police response to emergencies;

AND WHEREAS a deterrent is required to discourage false security alarms.

NOW THEREFORE the District of Summerland, in open meeting assembled, enacts as follows:

1. Title:

This Bylaw may be sited as “False Alarm Bylaw 2014-004”

2. Definitions:

In this bylaw, unless the context otherwise requires:

“alarm incident” means the activation of a security alarm system and the direct or indirect reporting of the activation by the police department;

“District” means the District of Summerland.

“false alarm” means the activation of a security alarm system, resulting in the direct or indirect notification of the Police Department and the attending at real property from which such alarm originated and where the Police Department finds no evidence of criminal activity or other emergency situation(s). False alarm includes, but is not limited to:

- a) The testing of an alarm which results in a Police Department response;
- b) An alarm actually or apparently activated by mechanical failure, malfunction or faulty equipment;
- c) An alarm activated by user error;
- d) An alarm reporting a police or other emergency situation occurring on or in relation to real property from which such alarm originated and no credible evidence exists or

- where no such event took place; or
- e) An alarm actually or apparently activated by atmospheric conditions, excessive vibrations, or power failure.

“First Alarm Status” means the status of real property referred to in 4.1(a) of this Bylaw.

“Police Department” means the Summerland RCMP Detachment of the Royal Canadian Mounted Police.

“security alarm system” means a device or devices installed on real property and designed to warn of criminal activity or unauthorized entry by activating an audible alarm signal and/or alerting a monitoring service.

3. Owner’s and Occupier’s Responsibilities:

- 3.1 The owner or occupier of real property shall be responsible for the proper installation, maintenance, and operation of any security alarm system installed on or in the real property;
- 3.2 The owner or occupier of real property shall be liable for any malfunction or other operation of security alarm system resulting in a false alarm or false alarms.

4. Fees to be Charged for Attendance at False Alarms:

- 4.1 The owner or occupier of real property to which the Police Department responds to a false alarm shall pay to the District, the following fees:
 - a) For the first response to real property to a false alarm in excess of 12 months from a previous false alarm, no fees are payable;
 - b) For a second response to real property to a false alarm within twelve (12) months from the date of a previous false alarm, the sum of \$150.00;
 - c) For the third response to real property to a false alarm within twelve (12) months, the sum of \$300.00;
 - d) For the fourth response to real property to a false alarm within twelve (12) months, the sum of \$600.00;
 - e) For a fifth and subsequent response to real property to a false alarm(s) within a twelve (12) month time period, the sum of \$1200.
- 4.2 The owner or occupier of real property may apply to be deemed to be “First Alarm Status” within thirty (30) days of payment of a fee levied pursuant to 4.1(b) to (e) by providing satisfactory evidence to the District of Summerland that a certified alarm service company has reviewed the alarm system, identified the cause(s) of false alarms, and such causes of the false alarms have been rectified or repaired.
- 4.3 If “First Alarm Status” is granted, the application fee will constitute payment in full.

5. Invoicing:

- 5.1 Where a fee is levied to the owner or occupier of real property pursuant to this bylaw, the District of Summerland will invoice the owner or occupier of real property. In the event that the occupier of real property is levied a fee pursuant to this bylaw, the District of Summerland shall notify the owner of such levy.
- 5.2 Any fee levied pursuant to this bylaw is due and payable upon receipt.

5.3 All fees remaining unpaid as at December 31st in the year in which they were incurred will be added to and form part of the taxes payable on the real property to which services were provided as taxes in arrears.

5.4 All fees collected become the property of the District of Summerland.

6. Severability:

6.1 If any section, subsection, or clause of this Bylaw is declared or held to be 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 enacted and adopted without the invalid and severed section.

7. Force and Effect:

7.1 This Bylaw will come into force and effect upon adoption.

Read a first, second and third time by the Municipal Council this 12th day of May, 2014.

Adopted by the Municipal Council this 26th day of May, 2014.

'Janice Perrino'

Mayor

'Maureen Fugeta'

Corporate Officer