

NO. 10-073

FALSE ALARMS BYLAW

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to regulate in relation to alarm systems and to reduce false alarms.

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Under its statutory powers, including sections 8(3), 8(6) and 196(1) of the *Community Charter*, the Council of the City of Victoria enacts the following provisions:

Title

- 1 This Bylaw may be cited as the "FALSE ALARMS BYLAW".

Definitions

- 2 In this Bylaw,

"**Alarm**" means either or both a Fire Alarm or Security Alarm.

"**Alarm System**" means either or both a Fire Alarm System or a Security Alarm System.

"**Contact Person**" means a person designated by the owner or occupier of real property at which an Alarm System has been installed who is:

- (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 Alarm System and able to safeguard the premises.

"False Alarm" means the activation of a Security Alarm System or Fire Alarm System as a result of which the Fire Department's fire or emergency response services are provided on behalf of the City 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 other fire emergency situation. False Alarm incidents include but are not limited to:

- (a) the testing of an Alarm without notice to the Fire Department which results in a Fire 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 fire or a fire 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.

"Fire Alarm" means an audible alarm signal or an electronic message signaling an Alarm produced by a Fire Alarm System.

"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.

"Fire Department" means the [City of Victoria](#) 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.

"Security Alarm" means an audible alarm signal or electronic message signaling an Alarm produced by a Security Alarm System.

"Security Alarm System" means any mechanical, electrical or electronic device which is designed, intended or used for 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:

- (a) a device which registers an Alarm which is not audible, visible or perceptible outside the premises inside which it is installed, or
- (b) a device which is installed in a motor vehicle.

Proper Use, Installation, Maintenance and Operations Mandatory

- 3 The owner or occupier of real property shall use, install, maintain and operate any Fire Alarm System or Security Alarm System installed on or in the real property in a manner that will ensure the prevention of False Alarms.

Contact Persons

- 4 (1) Every owner or occupier of real property at which a Security Alarm System or Fire Alarm System is installed must, within 72 hours of the installation of the system, advise the Fire Department by notice in writing of the names, addresses and telephone numbers of:
 - (a) a Monitoring Service, if any; and
 - (b) at least three Contact Persons.
- (2) Every owner or occupier of real property at which a Security Alarm System or Fire Alarm System is installed must advise the Fire Department of any changes to information about the Monitoring Service or Contact Persons by notice in writing immediately when changes to this information arise.

Owner Notification

- 5 The owner or occupier of real property at which an Alarm System is installed shall notify the Fire Department at least thirty (30) minutes before testing or repairing that Alarm System.

Monitoring Service

- 6 No Monitoring Service shall report a Security Alarm to the Fire Department, unless it has first placed a telephone call to the premises from which the Security Alarm was sent in an attempt to verify that the Alarm is not a False Alarm.

Security

- 7 (1) No owner or occupier of real property at which a Security Alarm System or a Fire Alarm System is installed or Contact Person shall, where a False Alarm has been activated, leave the premises unless the problem that gave rise to the False Alarm is identified and corrected or a security company is posted at the premises until such time as the problem that gave rise to the False Alarm is identified and corrected.
- (2) When an Alarm System has been activated and neither the owner or occupier of the real property at which the Alarm System is activated ~~nor a Contact Person~~ can be reached or

is able to attend the premises, and there are no keys or other method of access for the Fire Department, the Fire Department may forcibly enter the premises to determine the cause of the Alarm, and ~~should the Alarm be a False Alarm~~ the Fire Department may take any of the following actions at the cost of the owner or occupier of the premises:

(a) secure the premises; ~~and/or~~

(b) provide twenty-four hour security until the building can be secured ~~at the cost of the owner or occupier of the premises.~~

- (3) The fees payable by the owner or occupier under section 7(2) shall be based on the Fire Department standby rate of \$500.00 per hour or portion thereof that the Fire Department spends securing or providing security to the property.

Fees to be Charged for Attendance at False Alarms

- 8 (1) If ~~within a calendar year~~ in any 12-month period the Fire Department responds to four (4) or more False Alarms originating from the same property, the owner or occupier of the property in which the Alarm System is installed shall pay to the City a fee of \$200.00 for the fourth and each subsequent False Alarm.
- (2) In the event that the Fire Department forceably enters premises due to the False Alarm, all costs incurred to secure the building must be paid by the owner or occupier of the property.
- (3) Any fees imposed under this Bylaw shall be due and payable within 30 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.

Severability

- 9 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.

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Offences and Penalties

10 A person who contravenes, violates or fails to comply with any provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention or violation of this Bylaw, or who fails to do anything required by this Bylaw, commits an offence and shall be liable, upon conviction, to a fine of not more than ~~\$540,000.00~~ and not less than \$200.00, the cost of prosecution and any other penalty or order imposed pursuant to the *Community Charter* (British Columbia) or the *Offence Act* (British Columbia), as amended from time to time. Each day that an offence against this Bylaw continues or exists shall be deemed to be a separate and distinct offence.

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|------------------------|------------------------|--------|-----------------|-------|
| READ A FIRST TIME the | 14th | day of | October, | 2010. |
| READ A SECOND TIME the | 14th | day of | October, | 2010. |
| READ A THIRD TIME the | 14th | day of | October, | 2010. |
| ADOPTED on the | 28th | day of | October, | 2010. |

“ROBERT G. WOODLAND”
CORPORATE ADMINISTRATOR

“DEAN FORTIN”
MAYOR