

TOWN OF LAKE COWICHAN

A Bylaw to Reduce False Alarm Calls

Bylaw No. 946-2014

WHEREAS Section 196 of the *Community Charter* empowers Council, by bylaw, to establish fees to be paid by the owner or occupier of real property to which services are provided in response to a false alarm of a system;

AND WHEREAS Council wishes to regulate services provided by or on behalf of the Municipality by the Fire Department or Royal Canadian Mounted Police (RCMP) in response to a false alarm of a system, which may result in a delayed response to a true emergency;

NOW THEREFORE, the Municipal Council of the Town of Lake Cowichan, in open meeting assembled, ENACTS as follows:

1. TITLE

This bylaw may be cited as the "Town of Lake Cowichan False Alarm Bylaw No. 946-2014".

2. DEFINITIONS

ALARM COMPANY means a person, partnership, business and other entity engaged in selling, installing, maintaining, servicing or monitoring alarm systems and reporting the occurrence of alarms to the Lake Cowichan Fire Department or RCMP (Police Services);

ALARM SYSTEM means any system, device, or equipment, whether monitored by an Alarm Company or not, intended to signal the presence of a problem and any other situation to which the Lake Cowichan Fire Department or RCMP (Police Services) would or could reasonably be expected to respond, but does not include an Alarm System in a motor vehicle;

FALSE ALARM means the activation of an Alarm System which results in a response from the Lake Cowichan Fire Department or the RCMP where a situation requiring such response does not exist and includes a situation where:

- 1) the Alarm System has a malfunction;
- 2) the Alarm System has been activated in error;
- 3) the Alarm System has been activated during testing; or
- 4) there is no evidence of illegal entry or attempted illegal entry, but does not include a situation where it is substantiated that the situation was caused by:
 - i) severe storm conditions; or
 - ii) the disruption or disturbance of the equipment or facilities by any utility company;

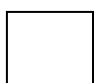
FIRE OFFICER means the Fire Chief, Deputy Fire Chief, Captain or a Lieutenant with the Lake Cowichan Fire Department, duly appointed from time to time to lawfully act in that capacity;

MUNICIPALITY means the Town of Lake Cowichan;

OFFICER IN CHARGE (OIC) means the Officer-in-Charge or Acting Officer-in-Charge of the Lake Cowichan RCMP Detachment;

OWNER means owner as defined in the *Local Government Act* and shall include occupier and any agent of the owner or occupier;

PREMISES mean any building, structure, residence or facility of any kind;



3. MAINTENANCE

- a) Every **owner** of real property or **premises** where an **alarm system** is installed shall be responsible for the proper installation, use, maintenance, and operation of such system so as to prevent **false alarms**.

4. FEE FOR FALSE ALARM SERVICE

- a) The owner of any property or premises where an alarm system is installed, and to which the services of the Lake Cowichan Fire Department or the RCMP are provided as a response to a false alarm, shall pay to the Town the following fees:
1. for the first three (3) false alarms for the first consecutive 12 month period, there shall be no fee and for subsequent years there shall be no fee for the first false alarm call;
 2. for false alarms beyond the numbers established in section 4 (a) 1, the fee for each false alarm call shall be \$150.00;
 3. for the fifth (5) false alarm in the first consecutive 12 month period, the fee shall be \$200.00 and this fee will also apply beyond the second call in subsequent years ;
 4. for the sixth (6) false alarm calls in the first consecutive 12 month period, the fee shall be \$300.00 and this fee will also apply for calls beyond that exempted for the subsequent years; and
 5. for buildings that have a contact person, failure of the contact person to attend to the false alarm the fee shall be \$250.00, notwithstanding the foregoing unless the false alarm call was caused by severe weather conditions or equipment malfunction.

5. EXCESSIVE FALSE ALARMS

- a) If, in any twelve (12) month period, the RCMP responds to six or more false alarms originating from one alarm system, the Officer-in-Charge (OIC) may cause a notice to be sent to the owner of the premises in which the alarm system is installed advising that the RCMP may elect not to respond to subsequent alarms.

6. VERIFICATION

- a) On each occasion that an alarm company reports an alarm to the Dispatch, and then the alarm company receives a call from the premises with the proper codes, deemed a false alarm, Dispatch will notify the responding unit. The Fire Officer or Officer-in-Charge will verify if the alarm is false or not.
- b) If the alarm company cannot verify that the alarm was false, it shall immediately telephone or otherwise contact the owner or other person responsible for the premises from which the alarm was sent, to request that person attend the premises immediately. The person attending the premises must be able to allow the Lake Cowichan Fire Department or the RCMP access to the premises and be capable of operating the alarm system.

7. UNPAID FEES

- a) All fees are payable thirty (30) days after receipt of an invoice from the Town.



- b) Any fees imposed pursuant to this Bylaw, remaining unpaid as of December 31 of that year shall be added to, and form part of, the taxes payable on the property or premises where the false alarm occurred, and shall be considered taxes in arrears.

8. OFFENCES

- a) Every person who offends against any of the provisions of this Bylaw, or who suffers or permits any act or thing to be done in contravention of this Bylaw, or who neglects to do or refrains from doing anything required to be done under the provisions of this Bylaw, shall be guilty of an offence and liable, upon conviction, to the penalties imposed under the *Offence Act*.

9. SEVERABILITY

If any section, subsection, sentence, clause or phrase of this bylaw is, for any reason, held invalid by the decision of any court or competent jurisdiction, the invalid portion shall be severed and the decision that is invalid shall not affect the validity of the remainder of this bylaw.

READ A FIRST TIME on the _____ day of _____, 2014.

READ A SECOND TIME on the _____ day of _____, 2014.

READ A THIRD TIME on the _____ day of _____, 2014.

RECONSIDERED, FINALLY PASSED and ADOPTED by the Municipal Council of the Town of Lake Cowichan on the _____ day of _____, 2014.

Ross Forrest
Mayor

Joseph A. Fernandez
Corporate Officer

I hereby certify the foregoing to be a true and correct copy of "Town of Lake Cowichan False Alarm Bylaw No. 946-2014" as adopted on the _____ day of _____, 2014.

Clerk

