



TOWN OF VIEW ROYAL

BYLAW NO. 658

A BYLAW TO RECOVER COSTS FOR FALSE ALARMS

WHEREAS excessive numbers of false alarms are being permitted to occur by the owners or users of alarm systems;

AND WHEREAS these false alarms require emergency responses from Police and Fire Departments, posing a threat to the safety of Police and Fire Department members and members of the public by creating unnecessary hazards and delaying the Police and Fire Department response to emergencies;

AND WHEREAS Sections 8(3)(g) and (h) of the *Community Charter* provide that Council may, by bylaw, regulate, prohibit and impose requirements in relation to the health, safety or protection of persons or property and the protection and enhancement of the well-being of its community to prevent or minimize nuisances, disturbances and other objectionable situations;

AND WHEREAS Section 8(8) of the *Community Charter* provides that Council may, by bylaw, (a) provide that persons may engage in a regulated activity only in accordance with the rules established by bylaw; (b) prohibit persons from doing things with their property; (c) require persons to do things with their property, to do things at their expense and to provide security for fulfilling a requirement;

AND WHEREAS Section 196 of the *Community Charter* provides that Council may, by bylaw, impose fees to be paid by the owner or occupier of real property to which Police and Fire services are provided in response to a false alarm of an alarm system;

AND WHEREAS Sections 258(1) and (2) of the *Community Charter* provide that Council may collect fees imposed for response to false alarms in the same manner and with the same remedies as property taxes and if the fees are due and payable by December 31 and unpaid on that date, Council may deem it to be taxes in arrears;

NOW THEREFORE the Council of the Town of View Royal in open meeting assembled enacts as follows:

CITATION

1. This Bylaw may be cited for all purposes as the False Alarm Bylaw No. 658, 2007+;

INTERPRETATION

2. Definitions in this bylaw are as follows:

ALARM INCIDENT means the activation of an alarm system resulting in the direct or indirect reporting of the activation to the Police or Fire Departments.

ALARM SYSTEM means either a fire alarm system or a security alarm system.

CLERK means the Corporate Officer of the Town.

CODE REQUIRED FIRE ALARM SYSTEM means a fire alarm system required by the British Columbia Building Code.

EMERGENCY DISPATCH means Victoria Operational Communication Centre for security alarms and Langford Fire Dispatch for fire alarms.

FALSE ALARM means the activation of an alarm system that results in a response from the Police or Fire Departments where a situation requiring such a response does not exist and includes a situation where:

- (a) the alarm system has malfunctioned for any reason, including, but not limited to, improper installation or maintenance;
- (b) the alarm system has been activated in error;
- (c) the alarm system has been activated by improper use;
- (d) the alarm system has been activated during testing;
- (e) there is no evidence of forced entry, fire, smoke or heat damage; or
- (f) the cause of the alarm cannot be determined.

FIRE and FIRE DEPARTMENT mean the View Royal Fire Department.

FIRE ALARM SYSTEM means a device or devices installed on or in any real property and that is designed, intended or used to issue an audible signal to advise persons of a fire emergency.

FIRE CHIEF means the Fire Chief or their designate of the View Royal Fire Department.

HOLD UP ALARM SYSTEM means a device or devices installed on or in any real property and that is designed, intended or used to indicate the occurrence of a hold up or robbery.

MONITORING SERVICE means a person, partnership or company engaged in the business of monitoring alarm systems and reporting the occurrence of alarms to the Police and Fire Departments.

NO ALARM STATUS means the designation of any real property as having had no false alarms.

OFFICER IN CHARGE means the Officer in Charge or their designate of the West Shore RCMP.

POLICE and POLICE DEPARTMENT mean the West Shore Royal Canadian Mounted Police (RCMP).

PROPERTY REFERENCE means a person, persons or company employed to represent the owner or occupier of any real property.

SECURITY ALARM SYSTEM means a device or devices installed on or in any real property and that is designed, intended or used for the detection of an unauthorized entry into a building, structure, facility or surrounding area; or for alerting others to the commission of an unlawful act, including a hold up alarm system; or both, and which emits a sound or transmits a message, or does both, but does not include a device which registers an alarm which is not audible, visible or perceptible outside the premises inside which it is installed or a device which is installed in a motor vehicle.

SUPPLEMENTARY FIRE ALARM SYSTEM means a device or devices that are not required to be installed in a building by the British Columbia Building Code and includes, but is not limited to, a residential smoke alarm monitored through a security alarm panel installed in a single family residence.

TOWN means the Town of View Royal.

3. Unless the context otherwise requires, wording in the singular number or masculine gender may include the plural number or feminine gender, and the converse may also apply.

SEVERABILITY AND HEADINGS

4. (1) Any section, subsection, sentence, clause or phrase of this Bylaw, which is for any reason held to be invalid by the decision of any Court of competent jurisdiction, may be severed from the balance of this Bylaw without affecting the validity of the remaining portions of this Bylaw.
4. (2) Section headings do not form part of this Bylaw. They are included for convenience only and must not be used in interpreting this Bylaw.
4. (3) The schedule attached to this Bylaw forms part of this Bylaw.

OWNER AND OCCUPIER RESPONSIBILITIES

5. Every owner or occupier of real property is responsible for the proper use, installation, maintenance and operation of any alarm system installed on the real property which they own or occupy to ensure the prevention of false alarms.

PROPERTY REFERENCE RESPONSIBILITIES

6. The property references whose names are provided by the owner or occupier to the monitoring service must be:
 - (a) Available to receive telephone calls from the 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 monitoring service;
 - (c) Capable of affording the Police or 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 and take responsibility for the real property.

MONITORING SERVICE RESPONSIBILITIES

7. The monitoring service must immediately report every alarm incident from a fire alarm system or a hold up alarm system to emergency dispatch and must subsequently place a telephone call to the premises from which the fire alarm or hold up alarm was sent to verify whether the alarm is false or not. If the monitoring service confirms that the fire alarm or hold up alarm is a false alarm through the verification telephone call to the premises from which the alarm was sent, the monitoring service must immediately notify emergency dispatch.

FEES

8. The owner or occupier of real property to which the services of the Police or the Fire Department are provided in response to a false alarm will pay to the Town, the following fees:

False Alarms

8. (1) For the first false alarm there will be no fee and the Officer in Charge or Fire Chief may cause a notice to be sent to the owner and occupier 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.
8. (2) For the second false alarm in any twelve (12) month period from the date of the first false alarm, the fee is \$150.00 and the Officer in Charge or Fire Chief may cause a notice to be sent to the owner and occupier 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.
8. (3) For the third and subsequent false alarms in any twelve (12) month period from the date of the first false alarm, the fee is \$500.00.

Standby

8. (4) When a property reference is unable to attend the real property at which a false alarm incident has occurred as directed in Section 6. (b), the owner or occupier

of the real property will be required to pay a standby fee as prescribed in Schedule %a+ of this Bylaw for fire fighters and equipment that are required to stay on scene in excess of thirty (30) minutes.

8. (5) A minimum of one (1) hour will be charged for standby as described in Section 8. (4).

Forced Entry

8. (6) In the event that Police or Fire cause forced entry to the premises due to the false alarm, all costs incurred to secure the building will be imposed on the owner or occupier of the property.

INVOICING

9. Any fees imposed under this Bylaw are due and payable within forty-five (45) days of invoice and, if not paid on December 31st of the year in which they are imposed, may be added to and form part of the taxes payable on the real property as taxes in arrears.

CANCELLATION AND RESUMPTION OF POLICE RESPONSE

10. (1) If in any twelve (12) month period the Police respond to five (5) or more false alarms originating from one security alarm system, the Officer in Charge may cause a notice in writing to be sent to the owner and occupier of the property in which the security alarm system is installed advising that the Police may not respond to subsequent alarms.
10. (2) Before response to security alarms will resume, the owner or occupier of real property must provide evidence to the Police Department that a certified alarm service company has reviewed the security alarm system, identified the cause(s) of the false alarm and rectified the cause(s) of the false alarm.
10. (3) On receipt of a valid inspection report, the Police Department may resume security alarm system response and a new twelve (12) month period will begin from the date of the evidence provided by a certified alarm service company.

REINSTATEMENT TO NO ALARM STATUS

11. (1) The owner or occupier of real property with a code required fire alarm system can apply in writing for a reinstatement to No Alarm Status by providing evidence to the Fire Department that a certified alarm service company has reviewed the alarm system, identified the cause(s) of the false alarm and rectified the cause(s) of the false alarm.
11. (2) This application for reinstatement to No Alarm Status must be initiated by the owner or occupier within thirty (30) days of issuance of a notice or invoice for a false alarm.

APPEAL

12. (1) The owner or occupier of real property may appeal the validity of a determination that an alarm was false by submitting a notice in writing to the Officer in Charge or Fire Chief within ten (10) days of issuance of a notice or invoice for a false alarm. The Officer in Charge or Fire Chief may:

- (a) Conduct an internal investigation; or
- (b) Attempt to resolve the appeal informally with the owner or occupier; or
- (c) Convene a hearing with the Clerk, the owner or occupier, and the Officer in Charge or Fire Chief; or
- (d) Receive written or oral submissions from the owner or occupier;

and determine whether the alarm was false and may subsequently cancel the invoice.

12. (2) The determination by the Officer in Charge or Fire Chief under Section 12 (1) of this Bylaw is final and conclusive for all purposes.

12. (3) The Officer in Charge or Fire Chief may delegate responsibility under Section 12 (1) to another staff member in the Police or Fire Department respectively.

FORMS

13. The Clerk may prescribe the form of notices and invoices for the purposes of this Bylaw.

PENALTY

14. Any person who violates any provision of this Bylaw is guilty of an offence and is liable upon summary conviction to a fine of not less than \$100.00 for a first offence and of not less than \$200.00 for a second or subsequent offence.

COMING INTO FORCE

15. This Bylaw will come into force and effect on August 1, 2007.

REPEAL

16. Bylaw No. 190, 1994, cited as False Alarm Bylaw, 1994, No. 190+ is hereby repealed.

READ A FIRST TIME THIS 17th DAY OF APRIL, 2007

READ A SECOND TIME THIS 17th DAY OF APRIL, 2007

READ A THIRD TIME THIS 19th DAY OF JUNE, 2007

ADOPTED BY COUNCIL, SIGNED BY THE MAYOR AND THE CLERK AND SEALED WITH THE SEAL OF THE TOWN OF VIEW ROYAL THIS 3rd DAY OF JULY, 2007.

MAYOR

CLERK

Schedule "A"

Engines

Minimum Requirements	Types			
	Structure Engines		Wildland Engines	
	1	2	3 & CAFS	4
Pump	1000 GPM	500 GPM	120 GPM	50 GPM
	825 IGPM	425 IGPM	100 IGPM	40 IGPM
Water Tank	400 Gal.	400 Gal.	300 Gal.	200 Gal.
	325 IG	325 IG	250 IG	175 IG
Hose 2 ½+	1200 Ft.	1000 Ft.	-	-
Hose 1 ½+	400 Ft.	500 Ft.	1000 Ft.	300 Ft.
Hose 1+	200 Ft.	300 Ft.	800 Ft.	800 Ft.
Ladder	20 Ft. Ext.	20 Ft. Ext.	-	-
Master Stream	500 GPM	-	-	-
Personnel	4 with SCBA	3 with SCBA	3 with SCBA	3 with SCBA
Total	\$480/hour	\$400/hour	\$375/hour	\$275/hour

Truck Company

Minimum Requirements	Types	
	1	2
Aerial Device	75 Ft.	50 Ft.
Elevated Stream	500 GPM	500 GPM
	425 IGPM	425 IGPM
Ground Ladders	115 Ft. (Total)	115 Ft. (Total)
Personnel	4	4
Total	\$679/hour	\$579/hour

Water Tender

Minimum Requirements	Types		
	1	2	3
Pump	300 GPM	120 GPM	50 GPM
	250 IGPM	100 IGPM	40 IGPM
Water Tank	2000 Gal.	1000 Gal.	1000 Gal.
	1600 IG	800 IG	800 IG
Personnel	2	2	2
Total	\$297/hour	\$247/hour	\$222/hour

Brush Patrol

Minimum Requirements	
Pump	15 GPM
	12 IGPM
Hose 1+	150 Ft.
Tank	75 Gal.
	60 IG
Personnel	2
Total	\$172/hour

Fire Fighters

Fire Fighter Rates	
Total	\$30.50/hour/person

Glossary

Ft. . Feet

Ft. Ext. . Foot extension

Gal. . Gallon

GPM . Gallons per minute

IG . Imperial gallon

IGPM . Imperial gallons per minute

SCBA . Self-contained breathing apparatus