



DISTRICT OF PORT HARDY

BYLAW 06-2011

A Bylaw to Reduce False Alarms

The Council of the District of Port Hardy, in open meeting assembled, enacts as follows:

1. Title

1.1 This bylaw may be cited as the "District of Port Hardy False Alarm Bylaw 06-2011".

2. Definitions

2.1 In this Bylaw, unless the context otherwise requires:

Alarm System means any system, device or equipment intended to signal the presence of an illegal entry or smoke or fire or any other situation to which the Royal Canadian Mounted Police (RCMP) or Fire Department is or could reasonably be expected to respond but does not include an alarm system in a motor vehicle;

Alarm Incident means the activation of a security alarm system or fire alarm system and the direct or indirect reporting of the activation to the RCMP or the Fire Department.

False Alarm means the activation of a fire alarm system as a result of which services, including RCMP or Fire services, are provided on behalf of the District and the providers of the service do not find any unauthorized entry or commission of an unlawful act or any evidence of fire, fire damage, smoke in relation to the building, structure, residence or facility or where there has been no emergency situation. False alarm incidents include but are not limited to:

- a) the testing of an alarm which results in a RCMP or Fire Department response;
- b) an alarm actually or apparently activated by mechanical failure, malfunction or faulty equipment;
- c) an alarm activated by user error; and
- d) an alarm reporting an attempted or completed criminal offence, fire or an 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.

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 facility but does not include a fire alarm system that is intended to alert only the occupants of the dwelling unit in which it is installed;

Fire Department means the Port Hardy Fire/Rescue Services including all officers and members engaged in the 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 RCMP and Fire Department;

Owner means, in respect of any parcel of land, the person registered as such in the Victoria Land Title Office, his employee or agent and any tenant having authority for general maintenance and repair of such property.

Security Alarm System means a device or devices installed on or in real property and designed to warn of criminal activity or unauthorized entry by activating an audible alarm signal or alerting a monitoring facility.

3. Owner's Responsibilities

- 3.1 The owner of real property shall be responsible for the proper use, installation, maintenance and operation of any security alarm system or fire alarm system installed on or in the real property in order to ensure the prevention of false alarms.

4. Notices to RCMP and Fire Department

- 4.1 Every owner of real property who uses a security alarm system or fire alarm system must keep the RCMP and the Fire Department informed by notice in writing of the names, addresses and telephone numbers of:
- a) a Monitoring Service, if applicable, or
 - b) at least three persons who will be known as Property References, who may be contacted in the event of an alarm incident.

5. Property References

- 5.1 The Property References whose names are provided pursuant to section 4 must be persons who are:
- a) available to receive telephone calls from the RCMP or Fire Department 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 RCMP or Fire Department;
 - c) capable of affording the RCMP 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.

6. Fees to be Charged For Attendance at a False Alarm

- 6.1 The owner of real property to which the services of the RCMP or the Fire Department are provided in response to a false alarm, shall pay to the District the following fees:
- a) for the first two false alarms in a twelve month period there shall be no fee;
 - b) for the third and fourth false alarm in a twelve month period the fee shall be \$400.00 each; and
 - c) for the fifth false alarm and each subsequent false alarm in a twelve month period, the fee shall be \$600.00.

7. Collection of Fees

- 7.1 Where a fee is charged, the District will invoice the owner of the real property for the response service.
- 7.2 Any fees remaining unpaid at December 31st, where the bill is more than thirty (30) days in arrears, will be added to and form part of the taxes payable on the real property as taxes in arrears and will accrue daily interest.

8. Enforcement

- 8.1 Every person who violates any of the provisions of this bylaw or suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this bylaw or who neglects to do or who refrains from doing anything required by the bylaw shall be deemed to be guilty of an infraction thereof and liable to the penalties imposed.
- 8.2 Any person or persons on summary conviction shall be liable to a penalty of not less than two hundred (\$200.00) dollars and not more than two thousand (\$2,000.00) for each infraction or offence together with the cost of prosecution. Every day during which there is an infraction of this bylaw shall constitute a separate offence.

9. Severability

- 9.1 If a court of competent jurisdiction declares any portion of this bylaw invalid, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.

10. Inclusivity

- 10.1 In this bylaw, unless the context otherwise requires, the singular includes the plural and the masculine includes the feminine gender and a corporation.

Read a first time the 10th day of May 2011.

Read a second time 10th day of May 2011.

Read a third time the 10th day of May 2011.

Adopted the 24th day of May 2011.

Original signed by:

Director of Corporate Services

Mayor

Certified to be a true copy of District of Port Hardy
False Alarm Bylaw 06 - 2011

Director of Corporate Services