

THE CORPORATION OF THE DISTRICT OF OAK BAY

BYLAW NO. 3832
(*amended by Bylaw No. 3957)

A Bylaw to reduce false alarms

WHEREAS section 932.1 of the *Municipal Act* provides that Council may establish fees to be paid by the owner or occupier of real property to which policing services are provided in response to a false alarm of a security alarm system; and

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

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

WHEREAS under section 526 of the *Municipal Act* the Council may regulate the carrying on of business in the Municipality for the purpose of protecting the public or preventing or minimizing nuisances;

NOW THEREFORE the Council of The Corporation of the District of Oak Bay in open meeting assembled enacts as follows:

1. DEFINITIONS

In this Bylaw,

"ALARM BUSINESS" means a person, partnership or company engaged in the business of monitoring alarm systems and reporting the occurrence of alarms to the police.

"ALARM SYSTEM" means any mechanical, electrical or electronic device which 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, or both, and which emits a sound or transmits a message, or does both, but does not include:

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

"CALENDAR YEAR" means a period of 12 consecutive months beginning on January 1.
(Bylaw 3957, adopted Oct.27/97)

"FALSE ALARM" means the activation of an alarm system resulting in the direct or indirect notification of the police to attend the address of the alarm system where there has been no unauthorized entry or commission of an unlawful act on or 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:

- (i) the testing of an alarm which results in a police response;
- (ii) an alarm actually or apparently activated by mechanical failure, malfunction or faulty equipment;

- (iii) an alarm activated by user error;
- (iv) an alarm reporting an attempted or completed criminal offence 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;
- (v) an alarm actually or apparently activated by atmospheric conditions, excessive vibrations or power failure.

"HOLDUP ALARM" means an alarm system installed in a bank, trust company or credit union, designed to indicate the occurrence of a hold-up or robbery.

"POLICE" shall mean the Oak Bay Police Department.

2. It shall be an offence for an alarm business to report an alarm to the police, other than a hold-up alarm, unless it has first placed a telephone call to the premises from which the alarm was sent to verify that the alarm is not a false alarm.
3. On each occasion that an alarm business reports an alarm to the police, it shall immediately telephone, or otherwise contact, the owner, occupier or other person responsible for the premises from which the alarm was sent to request that person to attend the premises immediately.
4.
 - (1) If in any calendar year the police respond to three false alarms originating from one alarm system, the Chief Constable shall cause a notice to be sent to the occupier of the property in which the alarm system is installed advising of the occurrence of the false alarms and of the consequences which may arise if further false alarms occur.
 - (2) If in any calendar year the police respond to four or more false alarms originating from one alarm system there shall be imposed on the occupier of the property in which the alarm system is installed a fee of One Hundred Dollars (\$100.00) for the fourth and each subsequent false alarm.
 - (3) Any fees imposed under this Bylaw shall be due and payable within 45 days of invoice and, if unpaid on December 31 of the year in which they are imposed, shall be added to and form part of the taxes payable on the real property as taxes in arrears.
 - (4) If in any calendar year the police respond to five or more false alarms originating from one alarm system, the Chief Constable may cause a notice to be sent to the occupier of the property in which the alarm system is installed advising that the police shall not respond to subsequent alarms.
(Bylaw 3957, adopted Oct.27/97)

5. APPEAL

- (1) An occupier of premises may appeal the validity of a determination that an alarm was false by submitting a notice in writing to the Chief Constable within ten days of being notified of the determination of a false alarm. The Chief Constable may
 - (a) conduct an internal investigation,
 - (b) attempt to resolve the appeal informally with the occupier,
 - (c) convene a hearing,
 - (d) receive written or oral submissions from the occupier,
 and shall determine whether the alarm was false.

- (2) The determination of the Chief Constable under this section of whether an alarm was false shall be final and conclusive for all purposes.
 - (3) The Chief Constable may delegate his responsibility under this section to another police officer in the department.
6. Any person who violates sections 2 or 3 of this Bylaw is guilty of an offence and liable upon summary conviction to a fine of not less than One Hundred Dollars (\$100.00) for a first offence, and of not less than Two Hundred Dollars (\$200.00) for a second or subsequent offence.
7. This Bylaw may be cited as the "**BURGLAR ALARM BYLAW, 1994**".

READ a first, second and third time by the Municipal Council on November 28, 1994

ADOPTED AND FINALLY PASSED by the Municipal Council on December 12, 1994

Mayor

Municipal Clerk

Sealed with the Seal of The Corporation of the District of Oak Bay.