
THE CORPORATION OF THE DISTRICT OF KENT

BYLAW NO. 1449

"A bylaw to reduce false alarms within the District of Kent"

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 RCMP (Police Services) in response to a false alarm of a system, which may result in a delayed response to a true emergency;

NOW THEREFORE the Council of the District of Kent in open meeting assembled hereby enacts as follows:

1. CITATION

This bylaw may be cited for all purposes as "False Alarm Bylaw No. 1449, 2009" and takes effect on January 1, 2010.

2. DEFINITIONS

In this bylaw:

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 Agassiz 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 Agassiz 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.

District means the Corporation of the District of Kent.

False Alarm means the activation of an Alarm System which results in a response from the Agassiz Fire Department or RCMP (Police Services) where a situation requiring such response does not exist and includes a situation where:

1. the Alarm System has malfunction;
2. the Alarm System has been activated in error;
3. the Alarm System has been activated during testing; or
4. there is not evidence of illegal entry or attempted illegal entry,

but does not include a situation where it is substantiated that the situation was caused by:

1. severe storm conditions; or
2. 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 Agassiz Fire Department, duly appointed from time to time to lawfully act in that capacity.

Officer-in-Charge (OIC) means the Officer-in-Charge or Acting Officer-in-Charge of the Agassiz 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 means any building, structure, residence or facility of any kind.

3. MAINTENANCE OF SECURITY ALARM SYSTEM

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 Agassiz Fire Department or RCMP (Police Services) are provided as a response to a **false alarm**, shall pay to the **District** the following fees:

1. for the first three (3) **false alarms** in any consecutive 12 month period, there shall be no fee;
2. for the fourth (4) **false alarm** in any consecutive 12 month period, the fee shall be \$100.00;
3. for the fifth (5) **false alarm** in any consecutive 12 month period, the fee shall be \$150.00;
4. for each of the sixth (6) and subsequent **false alarms** in any consecutive 12 month period, the fee shall be \$300.00; and

5. for buildings that have a contact person, failure of the contact person to attend the **false alarm** shall be \$250.00.

5. EXCESSIVE FALSE ALARMS

- a) If, in any twelve (12) month period, the RCMP (Police Services) respond 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 (Police Services) 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 Agassiz Fire Department or RCMP (Police Services) 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 **District**.
- 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 this 9th day of November 2009.

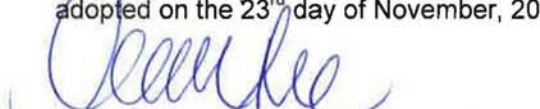
READ A SECOND TIME this 9th day of November 2009.

READ A THIRD TIME this 9th day of November 2009.

FINALLY PASSED AND ADOPTED this 23rd day of November 2009.

CERTIFIED CORRECT
Lorne Fisher, Mayor
Wallace Mah, Chief Administrative Officer**CERTIFIED A TRUE & CORRECT COPY**

of "False Alarm Bylaw No. 1449, 2009"
adopted on the 23rd day of November, 2009.


Clair Lee, Director of Corporate Services