

MUNICIPALITY OF BOISSEVAIN-MORTON

BY-LAW 2016-12

Being a By-law of the Municipality of Boissevain-Morton to reduce false alarms.

WHEREAS Section 267(1) of The Municipal Act provides that Council may establish 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 a security or fire alarm system;

AND WHEREAS these false alarms require emergency responses from Police and Fire that pose 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 response to true emergencies;

NOW THEREFORE THE COUNCIL OF THE MUNICIPALITY OF BOISSEVAIN-MORTON IN SESSION ASSEMBLED, ENACTS AS FOLLOWS:

1. DEFINITIONS

FALSE ALARM means the activation of a security alarm or fire alarm system as a result of which services, including Police and Fire services, are provided on behalf of the Municipality 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:

- i) The testing of an alarm which results in a Police or Fire 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, 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;
- v) An alarm actually or apparently activated by atmospheric conditions, excessive vibrations or power failure.

FIRE and FIRE DEPARTMENT shall mean the Fire Department of the Municipality of Boissevain-Morton.

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 service but does not include a fire alarm system that is intended to alert only the occupants of a single family dwelling unit in which it is installed.

HOLD UP ALARM means an alarm system designed 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.

SECURITY 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.

2. It shall be an offense for a monitoring service 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.

OWNER'S RESPONSIBILITIES

3. The owner or occupier of real property shall be responsible for the proper use, installation, maintenance and operations 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.

OWNER'S RESPONSIBILITIES – DESIGNATED REFERENCES

4. a) Every owner or occupier of real property who uses a security alarm system or fire alarm system must, within 72 hours of the installation of the system, keep the Police and the Fire Department informed by notice in writing of the names, addresses and telephone numbers of:

i) A Monitoring Service, if applicable; or

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ii) At least three persons who will be known as Property References who may be contacted in the event of an alarm incident.

b) The Police and the Fire Department are to be informed of any changes to the Monitoring Service or Property Reference contact information by notice in writing of the names, addresses and telephone numbers within 72 hours of those changes.

DESIGNATED REFERENCE RESPONSIBILITIES

5. The monitoring service representative and or the Property References whose names are provided pursuant to subsection 4(ii) must be persons who are:

i) Available to receive telephone calls from the Police or Fire Department or Monitoring Service in the event of an alarm incident;

ii) Able to attend at the address of the alarm incident within thirty (30) minutes of being requested to do so by the Police or Fire Department or Monitoring Service;

iii) Capable of affording the Police or Fire Department access to the premises where the alarm incident is located; and

iv) Capable of operating the alarm system and able to safeguard the premises.

FEES TO BE CHARGED FOR ATTENDANCE AT FALSE ALARMS:

6. 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 shall pay to the Municipality, the following fees:

a. Any fees imposed under this Bylaw shall be due and payable within 45 days of invoice and, if not paid on December 31st 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.

b. There shall be imposed upon the Owner or Occupier of the property at which a false fire alarm incident has occurred the following fee(s) in any case where the designated property reference fails to attend within 30 minutes of notification.

Fire Department minimum rate \$500.00 and the cost of any additional resources required by the Fire Chief.

Police rate to be provided by the Chief Constable.

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

7. APPEAL

- a) The Owner or 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 or Fire Chief within 10 days of being notified of the determination of a false alarm. The Chief Constable or Fire Chief may:
 - i) Conduct an internal investigation;
 - ii) Attempt to resolve the appeal informally with the occupier;
 - iii) Convene a hearing;
 - iv) Receive written or oral submissions from the occupier; and shall determine whether the alarm was false.
- b) The determination by the Chief Constable or Fire Chief under this Section, of whether an alarm was false, shall be final and conclusive for all purposes.
- c) The Chief Constable or Fire Chief may delegate his responsibility under this Section to another staff member in the Police or Fire Department.

8. Any person who violates any provision of this Bylaw is guilty of an offence and liable upon summary conviction to a fine of not less than \$150.00.

9. This Bylaw may be cited for all purposes as the "FALSE ALARM BYLAW, 2016-12"

Done and Passed in Council assembled this _ day of _.

MUNICIPALITY OF BOISSEVAIN-MORTON

Mayor

Chief Administrative Officer

Given first reading this _ day _
Given second reading this _ day of _
Given third reading this _ day of _