

TOWN OF SIDNEY

BYLAW NO. 1241

A BYLAW TO REGULATE THE USE AND POSSESSION OF SECURITY ALARM SYSTEMS IN THE TOWN OF SIDNEY

WHEREAS the Council of the Town of Sidney has determined that excessive false alarms originating from security alarm systems constitute a nuisance to the Police Department and to the citizens of the Town of Sidney;

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

AND WHEREAS these false alarms require emergency responses from the 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;

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

1. This bylaw may be cited as the "**Security Alarm System Bylaw**".
2. In this bylaw, unless the context otherwise requires:

"**Alarm Company**" means a person or entity selling, installing, maintaining, servicing or monitoring a security alarm system.

"**Alarm Incident**" means the activation of a security alarm system either direct or indirect.

"**Alarm Permit**" means a permit issued pursuant to section 5(b) of this bylaw.

"**Alarm System Inspection Report**" means a report on the operating condition of a security alarm system in a form approved by the Town of Sidney and completed by an alarm service technician who is licensed as such under the *Private Investigators and Security Agencies Act*.

"**Audible Alarm System**" means a security alarm that when activated, emits sound in or around the building, structure or premises where it is located, and is not a monitored alarm system.

"**Authority Having Jurisdiction**" means the governmental body responsible for the enforcement of any part of these requirements, or the official designated by that body to exercise such a function.

"Automatic Calling Device" means any device, or combination of devices, that when activated initiates a message that is designed to be transmitted over regular telephone lines.

"Chief Constable" means the Staff Sergeant of the Sidney Detachment of the R.C.M.P. or designate.

"Excessive False Alarms" means the reporting to the Police Department of three (3) or more false alarms within any twelve (12) month period.

"False Alarm" means an alarm incident where there is no evidence that an unauthorized entry or unlawful act has been attempted or made into, on or respecting a building, structure or premises and includes, but is not limited to:

- (a) the activation of a security alarm system during its testing;
- (b) a security alarm system activated by mechanical failure, malfunction, or power failure;
- (c) a security alarm system activated by atmospheric conditions, vibrations or power failure; and,
- (d) a security alarm system activated by user error.

"Guard Service" means an alarm service or a security patrol as those terms defined in the *Private Investigators and Security Agencies Act* and who is licensed to carry on business in the Town of Sidney.

"Monitored Alarm System" means a security alarm system that when activated , transmits a sound, signal or message to an alarm company.

"Security Alarm System" means an assembly of mechanical or electrical devices which is designed or used for:

- (a) the detection of entry into or damage to a building, structure or premises and which emits sound or transmits a sound, signal or message when activated, but does not include a device that is installed in a "motor vehicle" or "motor home" as those terms are defined in the *Motor Vehicle Act*; or,
- (b) the transmission of a manually activated emergency signal to an alarm company, but does not include a device designed to alert in case of a medical emergency.

- 3.1. No person shall install or place a security alarm system without first obtaining a permit from the Town of Sidney for such system pursuant to this bylaw.
- 3.2. No person shall possess or use a security alarm system without holding a permit for such system issued pursuant to this bylaw.

- 4.1. A person seeking permission to install, place, possess or use a security alarm system shall make application on the form provided by the Town and shall pay the fee set out in Schedule A of this bylaw. The applicant shall supply any additional information as requested regarding this installation as requested by the Town of Sidney.
- 4.2. The applicant shall ensure that the information required by the Town is current and shall notify the Town forthwith in writing of any changes in the information supplied.
- 4.3. After considering an application pursuant to subsection 4.1, the Authority Having Jurisdiction may grant a permit authorizing installation, use and possession of a security alarm system if the system complies with this bylaw.
- 5.1. Every person who obtains an alarm permit shall keep the Chief Constable informed by notice in writing of the names, addresses and telephone numbers of:
 - (a) a guard service; or
 - (b) at least three (3) persons who may be contacted in the event of an alarm incident.
- 5.2. The persons whose names are provided pursuant to subsection 5.1 shall be persons who are:
 - (a) available to receive telephone calls from the Police 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 Police Department;
 - (c) capable of affording the Police 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. The Chief Constable may at any time require a permit holder to submit an alarm inspection report.
7. No person shall use, operate, or permit the use or operation of, any automatic calling device to transmit messages concerning the report of an alarm incident to any telephone number assigned to the Police Department.
8. No person shall use or operate a security alarm system that, when activated, generates an audible continuous or intermittent sound for a period of greater than five (5) minutes after the activation.

9. No person shall continue to use or operate a security alarm system that activates four (4) or more false alarms within a twenty-four (24) hour period of time.
- 10.1. Before notifying the Police Department of an alarm incident originating from a monitored alarm system, the alarm company shall attempt to make contact with the permit holder by telephone or other electronic means to establish if the incident is a false alarm.
- 10.2. Subsection 10.1 does not apply to a security alarm system installed in a bank, trust company, credit union, or to any other alarm installation that requires Underwriter's Laboratories of Canada certification.
11. If in any twelve (12) month period the police respond to three (3) false alarms originating from one (1) 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.
12. If in any twelve (12) month period the police respond to four (4) or more false alarms originating from one (1) alarm system, there shall be imposed on the occupier of the property in which the alarm system is installed a fee of \$100.00 for the fourth and each subsequent false alarm.
13. Any fees imposed under this bylaw shall be due and payable within forty-five (45) days of invoice and if unpaid 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.
14. If in any twelve (12) month period the police respond to five (5) or more false alarms originating from one (1) 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.
15. 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 (10) 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) receive written or oral submissions from the occupier and where required convene a hearing.
16. Any person who violates this bylaw is guilty of an offense and liable upon summary conviction to a fine of not less than \$100.00 for the first offense and of not less than \$200.00 for a second or subsequent offense.

Introduced and read a first time this 12th day of September, 1994.

Read a second time this 12th day of September, 1994.

Read a third time this 12th day of September, 1994.

Reconsidered and finally adopted the 26th day of September, 1994.

MAYOR

CLERK

APPLICATION FOR PERMIT TO INSTALL A SECURITY ALARM SYSTEM

TO: TOWN OF SIDNEY
2440 Sidney Avenue
Sidney, B.C. V8L 1Y7

Date: _____

I hereby make application under the provisions of the Town of Sidney Security Bylaw: *(Please print)*

For Permission to: _____
(Description of System)

Civic Address: _____

Legal Description: Lot _____ Block _____ Section _____ Plan _____ Range _____

Owner's Last Name: _____ Home telephone: _____

Owner's First Name: _____ Work telephone: _____

Spouse's Name: _____ Work telephone: _____

Guard Service: _____ Telephone: _____

List three (3) alternate persons which may be contacted who are within thirty (30) minutes of the premise:

Alternate Contact #1 Name: _____

Address: _____ Telephone: _____

Alternate Contact #2 Name: _____

Address: _____ Telephone: _____

Alternate Contact #3 Name: _____

Address: _____ Telephone: _____

This application permits the above noted alternate contact persons to allow the Police Department access to the premises where the alarm is located and verifies that these persons are capable of operating the alarm system and able to safeguard the premise.

I am aware that after the third false alarm registered with the R.C.M.P. a fee for service will be in effect, as outlined in Bylaw 1241.

Signature of Applicant: _____

Print Name: _____