

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 3784**

**A BYLAW TO REDUCE FALSE ALARMS IN THE ELECTORAL AREA OF
SOUTHERN GULF ISLANDS IN THE CAPITAL REGIONAL DISTRICT**

WHEREAS the Capital Regional District, pursuant to Section 726 of the *Local Government Act* provides a Regional District may establish fees to be paid by the owner or occupier of real property to which services are provided by or on behalf of the Regional District, including policing services, in response to a false alarm of a system;

NOW THEREFORE the Regional Board of the Capital Regional District, in open meeting assembled, enacts as follows:

1 DEFINITIONS:

1. In this Bylaw unless the context otherwise requires:

"Board" means the Board of the Capital Regional District (CRD).

"Enforcement Officer" means the person appointed by the CRD as a Bylaw Officer, or any member of the Royal Canadian Mounted Police (RCMP).

"Electoral Area" means the electoral area of the Southern Gulf Islands.

"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 intended to be 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 and includes a device which registers an alarm which is not audible, visible or perceptible outside the premise where it is installed; excludes a device which is installed in a motor vehicle; and excludes a device which is designed or intended to detect fire, smoke or excessive heat.

"False Alarm" means the activation of an alarm system resulting in the direct or indirect notification of the police to attend to the address of the alarm system where there has been no unauthorized entry or commission of an unlawful act in relation to the building, structure, residence or facility, or where there has been no emergency situation. False alarms include but are not limited to:

- (i) the testing of an alarm which results in police response;
- (ii) an alarm actually or apparently activated by mechanical failure, malfunction of faulty equipment;
- (iii) an alarm activated by user error or neglect;
- (iv) an alarm reporting an attempt or completed criminal offence or an emergency situation occurring on or in relation to the address in which the alarm 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.

“**Hold up 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.

“**Owner**” means “owner” as defined in the said *Local Government Act* and shall include occupier and any agent of the owner or occupier.

“**Police**” means the Royal Canadian Mounted Police (RCMP).

“**Premises**” means any building, structure, residence or facility of any kind.

2. GENERAL PROHIBITION

The owner of any real property shall be responsible for the proper use, installation, maintenance, operation and monitoring of any security alarm system installed upon or within the real property or any premises situated or constructed thereon, to ensure the prevention of false alarms.

3. EXEMPTIONS

This bylaw does not apply to fire alarm systems that are designed or intended to alert only the occupants of any premises in which they are installed to the existence of fires, smoke or excessive heat.

4. OFFENCE

- a) No person, owner or occupier of any premises shall do any act or permit any act or thing to be done which contravenes this Bylaw.
- b) Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable upon conviction to the penalties prescribed by the Offence Act provided that the minimum penalty is not less than one hundred (\$100) dollars.
- c) A separate offence shall be deemed to be committed if a contravention of this Bylaw occurs or continues to occur upon receipt of a subsequent complaint.
- d) The penalties imposed under Section 4(b) hereof, shall be in addition to and not a substitution for any other penalty, fee or remedy imposed by this Bylaw or any other statute, law or regulation.

5. ADMINISTRATION OF THIS BYLAW

The Chief Bylaw Enforcement Officer will administer the application of this Bylaw and may delegate this responsibility under this section to another Bylaw Enforcement Officer.

6. NOTIFICATION TO OWNERS

Upon the first occurrence of a false alarm by an alarm system, the police shall inform the Bylaw Services division of the CRD. The personnel of the Bylaw Services division will notify the owner of the property that a false alarm has occurred and of the provisions of the bylaw and the fees to be imposed for any subsequent false alarm. The notice required by this section shall be in writing and shall be mailed by regular mail, postage prepaid to the owner at the address of the subject real property or the owners address as set out in the tax roll, if that address differs, a

notice marked in accordance with this section shall be deemed to have been received by the owner.

7. FEES TO BE CHARGED FOR ATTENDING AT FALSE ALARMS

- a) On the occurrence of a second false alarm to the same real property, during any consecutive 12 month period, there will be a fee charged of \$50.
- b) On the occurrence of a third false alarm to the same real property, during any consecutive 12 month period, there will be a fee charged of \$75.
- c) On the occurrence of a fourth, and for each subsequent false alarm to the same real property, during any consecutive 12 month period, there will be a fee charged of \$100 for each such occurrence.

8. INVOICING

- a) Where a fee is charged in accordance with this Bylaw, CRD Bylaw Services staff will invoice the owner of the real property for attendance by the police.
- b) An invoice issued under this section shall be due upon receipt and payable to the CRD.

9. COLLECTION OF FEES

- a) Any fees remaining unpaid and outstanding for more than 30 days at December 31 of each calendar year shall be added to and form part of the taxes payable on the real property as taxes in arrears pursuant to the *Local Government Act*.
- b) All fees collected become the property of the CRD.

10. CITATION

This Bylaw may be cited as Bylaw 3784, "Southern Gulf Islands Electoral Area False Alarm Reduction Bylaw No. 1, 2011".

READ A FIRST TIME THIS	15 th	day of	June,	2011.
READ A SECOND TIME THIS	15 th	day of	June,	2011.
READ A THIRD TIME THIS	15 th	day of	June,	2011.
ADOPTED THIS	13 th	day of	July	, 2011.

Original signed by Geoff Young
CHAIR

Original signed by Sonia Santarossa
CORPORATE OFFICER