

CONSOLIDATED FOR CONVENIENCE COPY

CITY OF PORT MOODY

BYLAW NO. 2192

A BYLAW TO REDUCE FALSE ALARMS

WHEREAS section 932.1 of the Municipal Act provided 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 number 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 City of Port Moody, in open meeting assembled, enacts as follows:

I. Title

This Bylaw may be cited for all purposes as "City of Port Moody False Alarm Bylaw, 1994 No. 2192".

2. Definitions

In this Bylaw,

2.1 **"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.

2. Definitions (continued)

Section 2.2 deleted by Bylaw No. 2266 and the following substituted:

2.2 **"Alarm System"** means any mechanical, electrical or electronic device which is designed or 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:

(i) for greater certainty, includes a device which registers an alarm which is not audible, visible or perceptible outside the premises inside which it is installed; and

(ii) excludes a device which is installed in a motor vehicle.

2.3 **"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 of 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 attempt 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.

2.4 **"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.

2.5 **"Police"** shall mean the Port Moody Police Department.

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3. 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 attempt to verify that the alarm is not a false alarm.
 4. 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.
 5.
 - 5.1 If, in any 12 month period, 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.
 - 5.2 If, in any 12 month period, 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 \$100.00 for the fourth and each subsequent false alarm.

Section 5.3 deleted by Bylaw No. 2309 and the following substituted:

- 5.3 Any fees unpaid on December 31st of the year in which the offence took place, shall be added to and form part of the taxes payable on the real property as taxes in arrears.
- 5.4 If, in any 12 month period, 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.

6. Appeal

- 6.1** 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,
- (i) Conduct an internal investigation;
 - (ii) Attempt to resolve the appeal informally with the occupier;
 - (ii) Convene a hearing;
 - (iv) Receive written or oral submissions from the occupier;
- and shall determine whether the alarm was false.
- 6.2** The determination by the Chief Constable under this section, of whether an alarm was false, shall be final and conclusive for all purposes.
- 6.3** The Chief Constable may delegate his responsibility under this section to another police officer in the department.
- 7.** Any person who violates sections 3 and 4 of this Bylaw is guilty of an offence and liable upon summary conviction to a fine of not less than \$100.00 for a first offence and of not less than \$200.00 for a second or subsequent offence.

READ A FIRST TIME THE 18TH DAY OF APRIL, 1994.

READ A SECOND TIME THE 18TH DAY OF APRIL, 1994.

READ A THIRD TIME THE 18TH DAY OF APRIL, 1994.

RECONSIDERED AND FINALLY ADOPTED THE 25TH DAY OF APRIL, 1994

"J. L. NORTHEY"

MAYOR

"C.A. PENNEY"

CITY CLERK