

VILLAGE of PEMBERTON

FALSE ALARM BYLAW No. 556

A Bylaw to establish fees for Emergency Services provided in response to False Alarms of a Security Alarm System or a Fire Alarm System.

The Council of the Village of Pemberton, in open meeting assembled, enacts as follows:

Definitions

1) In this Bylaw, the following definitions apply:

“RCMP Detachment Commander” means the Officer-in-Charge of the Whistler-Pemberton Detachment of the Royal Canadian Mounted Police and his or her designate.

“Community Charter” means the Community Charter, S.B.C. 2003, c. 26, as amended from time to time.

“Emergency Responder” means any person from either Police or Fire Department responding to an alarm.

“False Alarm” means the activation of a Fire or Security Alarm System resulting in the direct or indirect notification of the Police or Fire Department and the attendance of the Police or Fire Department at the address of the Real Property where the Fire or Security Alarm System is installed, where there has been no unauthorized entry or commission of an unlawful act, upon or within the Real Property or Premises situated or constructed thereon, or where there has been no emergency situation, including but not limited to:

- a) Testing of a Fire or Security Alarm System which results in a Police or Fire Department response;
- b) An alarm actually or apparently activated by mechanical failure, malfunction or faulty equipment;
- c) An alarm activated by user error or negligence; and
- d) An alarm actually or apparently activated by atmospheric conditions, excessive vibrations or power failure.

“Fire Alarm System” means any mechanical, electrical, or electronic device which is designed to be used for the detection of fire, smoke or excessive heat in any property, building, structure, residence or facility of any type and which emits a sound or light or transmits a message of any nature or does any combination of these things.

“Fire Chief” means the person in charge of the Pemberton Fire Rescue Service and his or her designate.

“Fire Department” means the Village of Pemberton Fire Rescue Service.

“Owner” means owner and occupier as defined in the Community Charter and any agent of the owner or occupier.

“Police” means the Whistler-Pemberton Detachment of the Royal Canadian Mounted Police.

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

“Security Alarm System” means any mechanical, electrical or electronic device which is designed or intended to be used for the detection of an unauthorized entry upon or into a property, building, structure, residence or facility, of any type, or for alerting any person to the commission of an unlawful act or the existence of an emergency situation, or both, and which emits a sound or light or transmits a message, of any nature, or does any combination of these but does not include:

- a) A device which registers an alarm which is not audible, visible or perceptible outside the Premises inside which or the Real Property upon which it is installed;
- b) A device which is installed in a motor vehicle; or
- c) A personal panic, hold-up and financial institution alarm.

“Real Property” means real property as defined in the Community Charter.

“Village” means the Village of Pemberton.

Owner’s Responsibilities

- 2) The Owner of any Real Property will be responsible for the proper use, installation, maintenance, operation and monitoring or any Fire or Security Alarm System installed upon or within the Real Property or any Premises situated or constructed thereon, to ensure the prevention of False Alarms.

Administration of the Bylaw

- 3) The RCMP Detachment Commander and the Fire Chief will administer the application of this Bylaw and may delegate his or her responsibility under this section to an Emergency Responder.

Notification to the Owners

- 4) Upon the first occurrence of a False Alarm, the RCMP Detachment Commander, the Fire Chief or their designates will inform the Administration Department of the Village which will notify the Owner of the subject Real Property:
 - i) that a False Alarm has occurred;
 - ii) what the applicable provisions of this Bylaw are; and
 - iii) what are the fees that will be imposed for any subsequent False Alarms.
- 5) The notice will be in writing and will be mailed by regular mail, postage prepaid to the Owner at the address of the subject Real Property or the Owner's address as set out in the tax roll, if that address is different from the address of the subject Real Property.
- 6) Notice is deemed to have been received by the Owner two days after the mailing of the notice in accordance with the above subsection.

Fees

- 7) The following fees will be charged for the following specific number of False Alarms occurring at the same Real Property during any consecutive twelve-month period:
 - a) the occurrence of a second False Alarm - \$50.00;
 - b) the occurrence of a third False Alarm - \$75.00;
 - c) the occurrence of a fourth or subsequent False Alarm - \$100.00 for each occurrence.
- 8) Where a fee is charged in accordance with this Bylaw, the Administration Department of the Village will invoice the Owner of the Real Property for the attendance of the Emergency Responder.
- 9) An invoice issued under this section will be due upon receipt and payable to the Village.
- 10) Any fees remaining unpaid and outstanding for more than 30 days at December 31 of each calendar year, will be added to and form part of the taxes payable on the Real Property as taxes in arrears pursuant to the Community Charter.
- 11) All fees collected become the property of the Village.

Citation

- 12) This Bylaw may be cited for all purposes as the "Fire and Security Alarm System Regulation Bylaw No. 556, 2005".

READ A FIRST TIME THIS 9th day of August, 2005.

READ A SECOND TIME THIS 9th day of August, 2005.

READ A THIRD TIME THIS 14th day of September, 2005.

RECONSIDERED AND FINALLY PASSED AND ADOPTED THIS 4th day of October, 2005.

MAYOR

CLERK