

CITY OF HUMBOLDT

BYLAW NO. 04/2011

A BYLAW OF THE CITY OF HUMBOLDT IN THE PROVINCE OF SASKATCHEWAN TO PROVIDE FOR A FALSE ALARM BYLAW

The Council of the City of Humboldt enacts as follows:

1.0 Title

This Bylaw may be cited as The False Alarm Bylaw.

2.0 Purpose

The purpose of this Bylaw is to reduce police responses to false alarms by promoting the proper use and maintenance of alarm systems through the establishment of an administration program and false alarm response fees to businesses and residents that exceed a certain amount of false alarms within a certain time period.

3.0 Statutory Authority

The authority for this Bylaw is Sections 8 and 332, and clause 333(1)(d) of *The Cities Act*.

4.0 Definitions

In this Bylaw:

- 4.1 “**alarm company**” means a person engaged in selling, leasing, maintaining, repairing, altering, replacing, moving, installing or monitoring alarm systems;
- 4.2 “**alarm owner**” means an owner or tenant of an alarm site;
- 4.3 “**alarm site**” means a single fixed premises or location within the City that is served by an alarm system or systems and includes a condominium unit and an apartment suite;
- 4.4 “**alarm system**” means any device or series of interconnected devices that is designed to detect an unauthorized entry into or an emergency at an alarm site, which, when activated, emits or transmits a local or remote audible, visual or electronic signal intended to summon the Police, whether monitored by an alarm company or not, but does not include an alarm installed in a vehicle unless the vehicle is permanently located at an alarm site;
- 4.5 “**alarm user**” means any person who is lawfully present at or in possession of an alarm site;

- 4.6 **“cancellation”** means the event of a monitoring alarm company verifying that a false alarm has occurred and notifying the Police of the false alarm;
- 4.7 **“City”** means the City of Humboldt and its employees;
- 4.8 **“dispatch request”** means a notification to the Police that an alarm, either manual or automatic, has been activated at an alarm site for the purpose of summoning the Police to investigate the alarm site;
- 4.9 **“false alarm”** means an activation of an alarm system when there is neither an unauthorized entry into nor any other emergency at the alarm site and includes activation due to:
- (a) the testing or servicing of the alarm system;
 - (b) the mechanical failure or malfunction of the alarm system;
 - (c) alarm user or alarm company error;
 - (d) the presence of the pets of an alarm user at the alarm site;
 - (e) atmospheric conditions, vibrations, power failure or other phenomena;
 - (f) the movement of anything at the alarm site other than the movement of a person unlawfully entering or at the alarm site; and
 - (g) the activation of a glass-break detector due to an event other than glass breaking;
- 4.10 **“monitoring”** means the process of an alarm company receiving signals from an alarm system for the purpose of making a dispatch request when the alarm system is activated;
- 4.11 **“panic alarm”** means an alarm system signal generated by the manual activation of an alarm system that is intended to signal a life threatening situation or a crime in progress requiring an immediate response and includes a duress alarm and an holdup alarm;
- 4.12 **“Police”** means the Royal Canadian Mounted Police;
- 4.13 **“response”** means a Police response to a dispatch request where a cancellation is not made within four minutes of the dispatch request, whether or not a police unit is dispatched to the alarm site; and
- 4.14 **“takeover”** means the event of an alarm owner taking over control of an existing alarm system previously owned by another alarm owner.

5.0 Duties of Alarm Owners

5.1 For each alarm site, the alarm owner must:

- (a) make every reasonable effort to maintain the alarm site and the alarm system at the alarm site in a manner that will minimize or eliminate false alarms;
- (b) make every reasonable effort to or cause a representative to attend the alarm site within 30 minutes of being asked by the Police to deactivate an alarm system that is emitting a false alarm;
- (c) other than for the purpose of testing the alarm system, not manually activate an alarm system for any reason other than an occurrence of an event that the alarm system was intended to report; and
- (d) maintain a set of written operating instructions for each alarm system at each alarm site.

5.2 Anyone who becomes an alarm owner of an alarm site due to a takeover is deemed to be an alarm owner of a new alarm site.

6.0 Duties of Alarm Companies

6.1 Each alarm company must:

- (a) reasonably attempt to verify every alarm signal, except for a panic alarm signal, before making a dispatch request;
- (b) when making dispatch requests:
 - (i) advise the Police of the type of alarm activation and the location of the activation at the alarm site;
 - (ii) make every reasonable effort to contact the alarm owner or the alarm owner's representative;
 - (iii) make a record of the dispatch request that includes the name, address and telephone number of the alarm owner, the alarm zones, the time of the dispatch request and evidence of attempted verification; and
 - (iv) keep the record made pursuant to clause (iii) available for the City to view or copy for a period of at least two years from the date of the dispatch request; and
- (c) ensure alarm owners and usual alarm users are given adequate training on the proper use of each alarm system.

7.0 Warnings and Fees

- 7.1 In this section, “first”, “second”, “third”, “fourth” and “fifth” mean the first, second, third, fourth and fifth occurrences of a response to a false alarm within the same calendar year.
- 7.2 After the second response to a false alarm at an alarm site, the City will issue a letter to the alarm owner stating:
- (a) the date and time of the response; and
 - (b) that the third false alarm at the alarm site will result in a fee being assessed at seventy-five dollars (\$75.00) against the alarm owner.
- 7.3 After the third response to a false alarm at an alarm site, the City will assess a false alarm response fee of seventy-five dollars (\$75.00) against the alarm owner.
- 7.4 After the fourth response to a false alarm at an alarm site, the City will assess a false alarm response fee of One Hundred and Fifty dollars (\$150.00) against the alarm owner.
- 7.5 After the fifth response and for each subsequent response thereafter to a false alarm at an alarm site, the City will assess a false alarm response fee of Three Hundred dollars (\$300.00) against the alarm owner.

8.0 Reviews

- 8.1 An alarm owner or a monitoring alarm company may apply for a review of the assessment of a false alarm response fee to the City.
- 8.2 A written review application setting forth the reasons for the review must be filed with the City Clerk or City Manager not later than 10 days after the person receives notice of the false alarm response fee.
- 8.3 The filing of an application for review with the City stays the collection of all fees until the City makes a decision.
- 8.4 A review application fee of twenty-five dollars (\$25.00) must accompany the review application, which is refundable if the City determines that a false alarm response fee should not have been assessed.
- 8.5 The City will provide the alarm owner or the monitoring alarm company with a written notice of the decision made on a review.

9.0 Invoicing

- 9.1 The City will issue invoices for the fees assessed pursuant to this Bylaw at such times in such a manner as the City Clerk or City Manager considers appropriate.

- 9.2 The total amount of an invoice is due and payable on the first day of the month following the month in which the invoice was issued to the alarm owner.
- 9.3 Any amounts not paid within thirty (30) days of becoming due and payable may be subject to a 2% monthly interest charge for each alarm site to which the invoice relates.
- 9.4 Where a person fails to pay any fee assessed pursuant to this Bylaw, within sixty (60) days after the amount becomes due and payable, the City may add the outstanding amount associated with each alarm site to the tax roll of the parcel or parcels of land comprising the alarm site.

10.0 Service

- 10.1 Invoices and/or letters may be given or served:
- (a) personally;
 - (b) through the regular mail to the last known mailing address of the person being served; or
 - (c) by leaving a copy of the invoice and/or letter at the last known address of the person being served.
- 10.2 An invoice and/or letter served according to subsection 10.1(b) is considered served on the 5th day after the date of its mailing.

11.0 Offences

Every person found guilty of an infraction imposed by authority of this bylaw shall be subject to the penalty imposed by the General Penalty Bylaw.

12.0 Coming Into Force

This Bylaw shall come into force and take effect on March 1, 2011.

INTRODUCED AND READ THE FIRST TIME this 28th day of February, 2011.

READ THE SECOND TIME this 28th day of February, 2011.

READ THE THIRD TIME this 28th day of February, 2011.

Mayor: Malcolm Eaton

City Clerk: Sandra Pauli