



Bylaw #2004-24

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BYLAW NO. 2004-24

THE FALSE ALARM BYLAW

THE COUNCIL OF THE CITY OF REGINA ENACTS AS FOLLOWS:

Purpose

- 1 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 a program of administration, registration, fees and conditions for the suspension of police response to alarms.

Statutory Authority

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

Definitions

- 3 In this Bylaw:

“alarm company” means a person engaged in selling, leasing, maintaining, repairing, altering, replacing, moving, installing or monitoring alarm systems;

“Alarm Coordinator” means the person or persons designated by the Chief to carry out the administration of this Bylaw;

“alarm owner” means an owner or tenant of an alarm site;

“alarm registration” means the written or electronic notification by an alarm company or an alarm owner to the Alarm Coordinator that:

- (a) an alarm system has been installed and is in use;
- (b) a conversion has occurred; or
- (c) a takeover has occurred;

“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;

“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;

“alarm user” means any person who is lawfully present at or in possession of an alarm site;

“Board” means the Board of Police Commissioners of the City;

“cancellation” means the event of a monitoring alarm company verifying that a false alarm has occurred and notifying the Police of the false alarm;

“Chief” means the Chief of the Regina Police Service or a representative designated by the Chief;

“City” means the municipal corporation of the City of Regina and includes the area within the City’s boundaries where the context requires;

“conversion” means the event of an alarm company beginning to monitor a previously unmonitored alarm system or an alarm system previously monitored by another alarm company;

“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;

“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 an 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;

“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;

“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;

“Police” means the Regina Police Service or a police officer engaged by the Police where the context requires;

“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;

“takeover” means the event of an alarm owner taking over control of an existing alarm system previously owned by another alarm owner;

“Director” means the Director of Finance of the City or a representative designated by the Director.

Alarm Coordinator

4 The Alarm Coordinator will:

- (a) accept alarm registrations and assess fees;
- (b) determine the manner and form of dispatch requests and cancellations;
- (c) maintain a record of all alarm registrations;
- (d) maintain a record of each dispatch request that includes:
 - (i) the registration number of the alarm site;
 - (ii) the address of the alarm site;
 - (iii) the date and time of:

- (A) the dispatch request;
- (B) the response, if applicable;
- (C) the cancellation, if applicable; and
- (D) the Police arrival at the alarm site, if applicable;
- (iv) the responsible monitoring alarm company;
- (v) whether a false alarm occurred; and
- (vi) the cause of the alarm, if known; and
- (e) report to the Chief and to the Board when required.

Duties of Alarm Owners

5(1) For each alarm site that is not monitored, the alarm owner must:

- (a) submit an alarm registration to the Alarm Coordinator:
 - (i) for each alarm site existing on the date this Bylaw comes into force, within 60 days of the date this Bylaw comes into force; and
 - (ii) for each new alarm site or takeover, before using the alarm system.
- (b) update the information provided in each alarm registration within five days of the information changing;
- (c) 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;
- (d) 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;
- (e) 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

- (f) maintain a set of written operating instructions for each alarm system at each alarm site.
- (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.

Duties of Alarm Companies

6 Each alarm company must:

- (a) submit an alarm registration to the Alarm Coordinator for:
 - (i) each alarm site the alarm company is monitoring on the date this Bylaw come into force within 60 days from the date this Bylaw comes into force; and
 - (ii) each new alarm site that the alarm company intends to monitor, including conversions, before the alarm company begins monitoring the alarm site;
- (b) update the information provided in each alarm registration within five days of the information changing;
- (c) make dispatch requests and convey cancellations in the manner determined by the Alarm Coordinator;
- (d) reasonably attempt to verify every alarm signal, except for a panic alarm signal, before making a dispatch request;
- (e) 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) provide the alarm owner's registration number for the alarm site where the alarm system has been activated;
 - (iii) make every reasonable effort to contact the alarm owner or the alarm owner's representative;
 - (iv) 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

- (v) keep the record made pursuant to clause (iv) available for the Alarm Coordinator to view or copy for a period of at least two years from the date of the dispatch request; and
- (f) ensure alarm owners and usual alarm users are given adequate training on the proper use of each alarm system.

Alarm Registrations

7(1) Every alarm registration must include:

- (a) the alarm owner's name, mailing address and telephone number;
 - (b) if different than the alarm owner's mailing address, the address of the alarm site;
 - (c) a notification of any dangerous or special conditions at the alarm site;
 - (d) the name, mailing address and telephone number of the monitoring alarm company, if applicable;
 - (e) a declaration that the alarm owner possesses and has reviewed a set of written operating instructions for the alarm system;
 - (f) the name and telephone number of an alternate person with access to the alarm site whom is familiar with the alarm system that the Police may contact when responding to a dispatch request;
 - (g) if an alarm owner is a tenant, the name and telephone number of the landlord or the landlord's designate who can gain access to the alarm site; and
 - (h) any other information the Alarm Coordinator may reasonably request.
- (2) If an alarm owner has more than one alarm site, each alarm site must be registered pursuant to this Bylaw, whether or not the alarm sites are serviced by the same alarm system.
- (3) The person responsible for submitting the alarm registration for an alarm site must notify the Alarm Coordinator of any change in the information provided in an alarm registration within five days of the change.

8(1) In this section "**valid alarm registration**" means an alarm registration that:

- (a) meets all the requirements of section 7;

- (b) is for an alarm site that has not been suspended pursuant to section 11; and
 - (c) is submitted by an alarm owner or a monitoring alarm company that has paid all fees previously assessed against the alarm owner or the monitoring alarm company pursuant to this Bylaw.
- (2) Upon receipt of a valid alarm registration submitted by a monitoring alarm company, the Alarm Coordinator will:
- (a) advise the monitoring alarm company of the alarm owner's registration number; and
 - (b) enter the information provided in the alarm registration into a database.
- (3) Upon receipt of a valid alarm registration submitted by an alarm owner, the Alarm Coordinator will:
- (a) explain to the alarm owner the importance and rationale of the alarm registration system and of reducing false alarms including providing statistics regarding false alarms; and
 - (b) enter the information provided in the alarm registration into a database.
- (4) An alarm registration may not be transferred to another person or alarm site.
- (5) At the Director's request, the Alarm Coordinator will provide the Director with the names and addresses of the alarm owners, the monitoring alarm companies and any other information that the Director reasonably requires.

Registration Renewals and Declarations

- 9(1) Every alarm registration expires on December 31.
- (2) Every alarm registration must be renewed before the current alarm registration expires by submitting an updated alarm registration pursuant to section 5 or section 6 to the Alarm Coordinator.
- (3) An alarm owner or an alarm company may submit a written declaration to the Alarm Coordinator stating that an alarm system has been permanently deactivated or permanently removed from the alarm site and will no longer be used at the alarm site.

- (4) Upon receipt of a declaration made pursuant to subsection (3), the Alarm Coordinator will cancel the alarm registration.

Warnings and Fees

10(1) In this section, section 11 and section 12, “second”, “third” and “fourth” mean the second, third and fourth occurrences of a response to a false alarm within the same 365-day period.

- (2) After the second response to a false alarm at an alarm site, the Alarm Coordinator will issue a caution to the alarm owner and, if the alarm system is monitored, the monitoring alarm company, stating:
 - (a) the date and time of the response; and
 - (b) that the next false alarm at the alarm site will result in the fee in subsection (3) being assessed.
- (3) After the third response to a false alarm at an alarm site, the Alarm Coordinator will:
 - (a) assess a false alarm response fee of \$75 against the monitoring alarm company or, if there is no monitoring alarm company, the alarm owner; and
 - (b) send a warning to the alarm owner and the monitoring alarm company indicating that a suspension of response pursuant to section 11 will occur if there is a fourth response to a false alarm at the alarm site.
- (4) If the Alarm Coordinator has reasonable grounds to believe that an alarm system is not being used or maintained properly, the Alarm Coordinator may require a conference with an alarm owner and the alarm company responsible for the repair of the alarm system to review the circumstances of each false alarm.

Suspension of Response

11 The Alarm Coordinator may suspend Police response to an alarm site based on a dispatch request if there is a fourth response to a false alarm at an alarm site.

12(1) After the fourth response to a false alarm at an alarm site, the Alarm Coordinator will:

- (a) assess a false alarm response fee of \$75 against the monitoring alarm company or, if the alarm site is not monitored, the alarm owner; and
 - (b) issue a notice of suspension to the monitoring alarm company and the alarm owner;
- (2) Beginning on the date the notice of suspension is issued pursuant to subsection (1), all responses to an alarm site due to the activation of an alarm system, other than the activation of a panic alarm, will be suspended for a 365-day period.

Fee for Service to Unregistered or Suspended Alarm Sites

13 If an alarm owner, an alarm user or a monitoring alarm company makes a dispatch request for an alarm site that is not registered pursuant to this Bylaw or that has been suspended by the Alarm Coordinator, the Alarm Coordinator will assess a \$100 fee:

- (a) in the case of an unmonitored alarm site, to the alarm owner;
- (b) in the case of a monitored alarm site, to the monitoring alarm company.

Reviews

14(1) An alarm owner or a monitoring alarm company may apply for a review of the assessment of a false alarm response fee or a suspension to the Alarm Coordinator.

- (2) A written review application setting forth the reasons for the review must be filed with the Alarm Coordinator not later than 10 days after the person receives notice of the false alarm response fee or a suspension.
- (3) The filing of an application for review with the Alarm Coordinator stays the collection of all fees or the commencement of a suspension until the Alarm Coordinator makes a decision.
- (4) A review application fee of \$25 must accompany the review application, which is refundable if the Alarm Coordinator determines that a false alarm response fee should not have been assessed or a suspension should not have occurred.
- (5) The Alarm Coordinator will provide the alarm owner or the monitoring alarm company with a written notice of the decision made on a review.

Appeal to Chief

- 15(1) An alarm owner or monitoring alarm company who is dissatisfied with a decision of the Alarm Coordinator made pursuant to section 14 may, within 21 days after the day on which the Alarm Coordinator's decision was made, submit the facts respecting the decision to the Chief for the Chief's consideration and decision, and the Chief may confirm, revoke or amend the decision of the Alarm Coordinator.
- (2) A decision of the Chief made pursuant to subsection (1) is final and binding and not subject to further appeal.

Invoicing

- 16 The City will issue invoices for the fees assessed pursuant to this Bylaw at such times in such a manner as the Director considers appropriate.
- 17(1) Subject to subsection (4), 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 or monitoring alarm company.
- (2) Any amounts not paid within 60 days of becoming due and payable may be subject to a late payment penalty of \$10 for each alarm site to which the invoice relates.
- (3) Any cheque returned to the City by the financial institution of an alarm owner or a monitoring alarm company for any reason will be assessed the charge established pursuant to Section 5 of Schedule B to *The Regina Administration Bylaw*, No. 2003-69.
- (4) Amounts assessed pursuant to (2) and (3) are due and payable immediately upon being assessed.
- (5) All invoices are payable by mail or at locations designated by the Director.
- 18 Where a person fails to pay any fee assessed pursuant to this Bylaw:
 - (a) within 60 days after the amount becomes dues and payable, the Director 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; and
 - (b) within 120 days after the amount becomes due and payable, the Alarm Coordinator may:
 - (i) if the invoice was issued to an alarm owner, suspend response to all the alarm sites of the alarm owner;

- (ii) if the invoice was issued to an alarm company, suspend response to all the alarm sites monitored by the alarm company.

Service

19(1) Invoices, cautions, warnings and notices of suspension 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, caution, warning or notice of suspension at the last known address of the person being served.
- (2) An invoice, caution, warning or notice of suspension served according to subsection (1)(b) is considered served on the 5th day after the date of its mailing.

Offences

20 Every person who:

- (a) violates any of the provisions of this Bylaw;
- (b) neglects or fails to do anything they are required to do pursuant to this Bylaw; or
- (c) fails to comply with any direction or notice given pursuant this Bylaw;

is guilty of an offence.

21 Every person who is guilty of an offence pursuant to section 20 is liable on summary conviction:

- (a) in the case of an individual, to a fine not exceeding \$10,000 or to imprisonment for not more than one year, or both;
- (b) in the case of a corporation, to a fine not exceeding \$25,000 or to imprisonment of the directors of the corporation for not more than one year, or both.

Registration Does Not Create Duty

22 Registration of an alarm site is neither intended to, nor will it create a contract, duty or obligation, either expressed or implied, of the Police to respond to the alarm site when the alarm system is activated. By registering an alarm site, the alarm owner and any monitoring alarm company acknowledge that Police response may be based on several factors, including the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions and staffing levels.

Coming Into Force

23 This Bylaw comes into force on April 1, 2004.

READ A FIRST TIME THIS 8TH DAY OF MARCH, 2004.

READ A SECOND TIME THIS 8TH DAY OF MARCH, 2004.

READ A THIRD TIME AND PASSED THIS 8TH DAY OF MARCH, 2004.

P. FIACCO
Mayor

R.M. MARKEWICH
City Clerk (SEAL)

CERTIFIED A TRUE COPY

City Clerk

ABSTRACT

BYLAW NO. 2004-24

THE FALSE ALARM BYLAW

PURPOSE: The purpose of this Bylaw is to reduce the number of times the Regina Police Service responds to false alarms by promoting the proper use and maintenance of alarm systems.

ABSTRACT: The Regina Police Service was dispatched to false alarms 9,632 times in 2002 (approximately 17% of the total calls for service). This Bylaw establishes a program of administration, registration and fees for alarm owners and companies in an effort to reduce Police responses to false alarms. It also established the conditions on which the Police may suspend their response to an alarm site.

STATUTORY AUTHORITY: Sections 8 and 332, and clause 333(1)(d) of *The Cities Act*.

MINISTER'S APPROVAL: Not required

PUBLIC HEARING: Not required

PUBLIC NOTICE: Not required

REFERENCE: Council, CR04-25, February 23, 2004
Board of Police Commissioners, PO04-1, January 27, 2004
Council, CR02-248, December 16, 2002

AMENDS/REPEALS: None

CLASSIFICATION: Regulatory

ORIGINATING DEPARTMENT: Regina Police Service