

CITY OF NANAIMO

BYLAW NO. 7392

A BYLAW TO REDUCE FALSE ALARMS

WHEREAS excessive numbers of false alarms are being permitted to occur by the owners and users of security alarm systems;

AND WHEREAS false alarms require emergency responses from the Police that pose a threat to the safety of the Police department members and members of the public by creating unnecessary hazards, and may result in a delayed response to a true emergency;

AND WHEREAS the *Community Charter* provides that Council may, by Bylaw, regulate, prohibit and impose requirements in relation to health, safety or protection of persons or property and the protection and enhancement of the well-being of its community to prevent or minimize nuisances, disturbances and other objectionable situations;

AND WHEREAS the *Community Charter* provides that Council may collect fees imposed for response to false alarms in the same manner and with the same remedies as property taxes, and if the fees are due and payable by December 31 and unpaid on that date, Council may deem it to be taxes in arrears;

THEREFORE BE IT RESOLVED that the Council of the City of Nanaimo in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. Title

This Bylaw may be cited as "False Alarm Bylaw 2025 No.7392".

2. Definitions

"Alarm System"	Means a device installed on a property to warn about a criminal activity or unauthorized entry by activating an audible signal, or alerting a monitoring agency.
"False Alarm"	Means the triggering of an alarm system, other than by an act of nature or power failure, that results in an emergency response from the police where none is required.
"Hold-up Alarm"	Means a security alarm system in a financial institution to signal a robbery.
"Monitoring Agency"	Means a person, partnership, or company that monitors an alarm system and reports alarms to the police.
"Police"	Means the City of Nanaimo Detachment of the R.C.M.P.
"Property Reference"	Means a person, persons or company employed to represent the owner or occupier of any real property.

3. Owner or Occupier's Duties

3.1 Every owner or occupier of property on which an Alarm System is installed must properly install, maintain, use and operate the Alarm System to prevent False Alarms.

3.2 Every owner or occupier of a business who uses an Alarm System must, within 72 hours of the installation of the system, keep the Monitoring Agency informed by notice in writing of the names, addresses and telephone numbers of at least two persons who will be known as Property References who may be contacted in the event of an alarm incident.

4. Monitoring Agency's Duties

4.1 A Monitoring Agency must not report an alarm, other than a Hold-Up Alarm, to the Police unless it first tries to verify that the alarm is not false.

4.2 If a Monitoring Agency reports an alarm to the Police, it must ask the owner, occupier, or Property Reference to attend the property.

4.3 The Property References whose names are provided pursuant to section 3.2 must be persons who are:

- (a) Available to receive telephone calls from the Police Department or Monitoring Agency in the event of an alarm incident;
- (b) Able to attend at the address of the alarm incident within thirty (30) minutes of being requested to do so by the Policy Department or Monitoring Agency;
- (c) Capable of affording the Police access to the premises where the alarm incident is located; and
- (d) Capable of operating the alarm system and able to safeguard the premises.

5. Administration

5.2 The Director, Police Services, Manager, Police Support Services, Bylaw Enforcement Officer, or a Peace Officer may provide written notification, where feasible, to the owner or occupier of property from which a False Alarm originates about the consequences of more False Alarms originating from the property.

6. Fees and Collections

6.1 An owner of real property from which a False Alarm originates must pay the City of Nanaimo the fee prescribed in the Fees and Charges Bylaw.

6.2 There shall be imposed upon the Owner or Occupier of the property at which a False Alarm incident has occurred, a standby fee as prescribed in the Fees and Charges Bylaw in any case where the designated Property Reference fails to attend within 30 minutes of notification.

6.2 A fee that is not paid after 30-days must be added to and form part of the taxes payable on the real property as taxes in arrears.

6.3 Fees collected are City of Nanaimo property.

7. Cancellation and Resumption of Police Response

- 7.1 If in any 12 month period the Police respond to three (3) or more False Alarms originating from one Alarm System, the Director, Police Services may cause a notice to be sent to the owner and occupier of the property in which the Alarm System is installed advising that the Police shall not respond to subsequent alarms.
- 7.2 Before response to security alarms will resume, the owner or occupier of real property must provide evidence to the Policy Department that a certified alarm service company has reviewed the Alarm System, identified the cause(s) of the False Alarm and rectified the cause(s) of the False Alarm.
- 7.3 On receipt of a valid inspection report, the Police Department may resume security alarm system response and a new twelve (12) month period will begin from the date of the evidence provided by a certified alarm service company.

9. Forced Entry

In the event that Police officers cause forced entry to the premises due to the False Alarm, all costs incurred to secure the building will be imposed on the occupier or owner of the property.

10. Obstruction of Duties

- 10.1 No person shall obstruct or interfere with any Peace Officer or Bylaw Enforcement/Compliance Officer in the exercise of any of the powers granted to or duties imposed on them pursuant to this Bylaw.

11. Offences and Penalties

- 11.1 Any Person who causes, permits or allows anything to be done in contravention or violation of this Bylaw, or who neglects or fails to do anything required to be done pursuant to this Bylaw, commits an offence against this Bylaw and is liable upon summary conviction to pay a fine of not more than \$50,000, plus the costs of prosecution, and any other penalty or remedy available under the *Community Charter and Offence Act*.
- 11.2 Where an offence under this Bylaw is of a continuing nature, each day that an offence continues, or is permitted to exist, constitutes a separate offence.
- 11.3 Section 11.1 shall not prevent the City, or an authorized Person on behalf of the City, issuing and enforcing a bylaw notice under the City's Bylaw Notice Enforcement Bylaw.

12. Severability and Headings

If any part, section, sub-section, sentence, clause or sub-clause of this Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid section shall be severed and the severance shall not affect the validity of the remaining portions of this Bylaw.

13. Repeal

“False Alarm Bylaw 1994 No. 4786” is hereby repealed.

PASSED FIRST READING: 2025-JAN-20
PASSED SECOND READING: 2025-JAN-20
PASSED THIRD READING: 2025-JAN-20
ADOPTED: 2025-FEB-24

L. E. KROG

MAYOR

S. GURRIE

CORPORATE OFFICER