

SUMMARY:

The Security Alarm System Bylaw sets out rules for the use of security alarm systems in buildings and structures within City limits in order to pass the costs of RCMP responses to excessive false alarms to owners.

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# CITY OF KELOWNA

## BYLAW NO. 9147

### A bylaw to regulate Security Alarm Systems

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WHEREAS excessive numbers of False Alarms are being permitted to occur by the owners and users of security Alarm Systems;

AND WHEREAS these False Alarms require emergency responses from the police and such unnecessary emergency responses pose a threat to the safety of police officers and the public by creating unnecessary hazards, and may result in delaying response to a true emergency;

AND WHEREAS the Council of the City of Kelowna has determined that Excessive False Alarms originating from security Alarm Systems constitute a nuisance to the police and to the citizens of Kelowna;

NOW THEREFORE, the Council of the City of Kelowna in open meeting assembled, enacts as follows:

#### SECTION 1 - INTRODUCTION

- 1.1 Title - This bylaw may be cited as the City of Kelowna "Security Alarm Systems Bylaw No. 9147".
- 1.2 Interpretation - Any enactment referred to herein is a reference to an enactment of British Columbia and regulations thereto, as amended, revised, consolidated or replaced from time to time.
- 1.3 Severability - If any section, paragraph or phrase of this bylaw is for any reason held to be invalid by a decision of a Court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this bylaw.
- 1.4 Headings - The headings given to the sections and sub-sections of this bylaw are for convenience of reference only. They do not form part of this bylaw and will not be used in the interpretation of this bylaw.
- 1.5 Definitions - In this bylaw:

*Advisory Board* means Persons appointed by Council that shall be representative of the community, alarm industry, and the RCMP. The Advisory Board shall consist of a minimum of five (5) Persons including:

- the Alarm Coordinator;
- at least one member of the RCMP;
- the Licensing & Bylaw Enforcement Supervisor, City of Kelowna;
- at least one representative from the alarm industry; and
- at least one representative from the community-at-large;

*Alarm Company* means a business, whether carried on by an individual, partnership, corporation or other entity, engaged in the selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, installing or Monitoring of an Alarm System;

*Alarm Coordinator* means the Person appointed by the City to administer the provisions of this bylaw;

*Alarm Dispatch Request* means a notification to a law enforcement agency that an alarm, either manual or automatic or electronic has been activated at a particular Alarm Site;

*Alarm Site* means a single fixed premises or location served by an Alarm System or systems. Each unit, if served by a separate Alarm System in a multi-unit building or complex shall be considered a separate Alarm Site;

*Alarm Registration* means the notification by an Alarm Company or an Alarm User to the Alarm Coordinator that an Alarm System has been installed and is in use, and the registration of that system pursuant to Section 3 of this bylaw;

*Alarm System* means a device or series of devices, including but not limited to, systems interconnected with a radio frequency method such as cellular or private radio signals, which emit or transmit a remote or local audible, visual or electronic signal indicating an alarm condition and intended to summon a response. This includes a Local Alarm System. Alarm System does not include an alarm installed on a vehicle or Person unless the vehicle or Personal alarm is permanently located at a site, nor does it include an alarm provided by the RCMP to a domestic violence victim for personal use;

*Alarm System Inspection Report* means a report on the operating condition of an Alarm System which has been completed by an Approved Alarm Service Technician;

*Automated Teller Machine* or *ATM* means a stand alone device used to dispense or receive cash;

*Alarm User* means any Person, firm, partnership, corporation or other entity who uses and is responsible for the control of any Alarm System at its Alarm Site. There may be more than one Alarm User and/or Keyholder at any one Alarm Site;

*Approved Alarm Service Technician* means a technician employed by an Alarm Company and who is licensed as such pursuant to the *Private Investigators and Security Agencies Act* of British Columbia;

*Cancellation* is the process by which an Alarm Company providing Monitoring verifies with the Alarm User or other authorized party that a false dispatch has occurred and that there is not an existing situation at the Alarm Site requiring an RCMP response, and subsequently notifies the RCMP of such;

*Chief of Police* means the Officer in Charge, Kelowna City Detachment of the Royal Canadian Mounted Police or his designate;

*City* means the City of Kelowna;

*Conversion* means the transaction or process by which one Alarm Company begins Monitoring of a previously non-Monitored Alarm System or an Alarm System previously monitored by another Alarm Company;

*Council* means the Council of the City of Kelowna;

*Excessive False Alarms* means the reporting to the RCMP of three (3) or more False Alarms, or two (2) or more False Alarms involving a Hold Up Alarm, from a single Alarm System or Alarm Site within a 365 day period;

*False Alarm* means the activation of an Alarm System resulting in a response by the RCMP where there has been no unauthorized entry or commission of an unlawful act on or in relation to the building, structure, residence, or facility or where there has been no emergency situation, and includes:

- (a) testing of an alarm which results in a Police Response;
- (b) an alarm reporting an attempted or completed criminal offence or an emergency situation occurring on or in relation to the premises in which the alarm device or system is installed, where no evidence exists or where no such event took place;
- (c) an alarm actually or apparently activated by mechanical failure, malfunction or faulty equipment;
- (d) an alarm activated by user negligence or carelessness; and
- (e) an alarm actually or apparently activated by atmosphere conditions, excessive vibrations or power failure.;

*Hold Up Alarm* means a silent alarm signal received from a Monitored Alarm System that is manually activated from the monitored premises that signals a robbery is in progress;

*Keyholder* means an individual designated by the Alarm User who can be contacted in the event of an alarm condition, and who must have access to the Alarm Site and be able to operate the Alarm System;

*Keypad* means a device that allows control of an Alarm System by the manual entering of a coded sequence of numbers or letters;

*Licence* means a Licence issued to an Alarm Company to sell, install, monitor, repair or replace Alarm Systems by an authority having jurisdiction;

*Local Alarm* means an alarm which generates an audible sound only in or about the premises where it is located when it is activated;

*Local Alarm System* means any Alarm System that annunciates an alarm only by a local alarm;

*Monitored Alarm System* means an Alarm System, excluding a Local Alarm, which when activated transmits a sound, signal, or message to a location where personnel are in attendance at all times and one of whose functions is to notify the RCMP of the Alarm System being activated;

*Monitoring* means the process by which an Alarm Company receives signals from an Alarm System and relays an Alarm Dispatch Request to the RCMP for the purpose of summoning a Police Response to the Alarm Site;

*Person* means an individual, corporation, partnership, association, organization or similar entity;

*Police Response* means the dispatch of officers of the RCMP;

*RCMP* means the Kelowna City Detachment of the Royal Canadian Mounted Police;

*Suspended Alarm System* means an Alarm System for which registration has been suspended, pursuant to this Bylaw;

*Takeover* means the transaction or process by which an Alarm User takes over control of an existing Alarm System, which was previously controlled by another Alarm User; and

*Verify* means an attempt by the Alarm Company, the Alarm User, or its Keyholder, to contact the Alarm Site by telephonic or other electronic means, whether or not actual contact with a Person is made before requesting law enforcement dispatch, in an attempt to avoid an unnecessary Alarm Dispatch Requests.

## SECTION 2 - ALARM SYSTEMS

- 2.1 Installation to Code - Alarm Systems must be installed to meet all applicable federal, provincial and municipal codes, standards and regulations.
- 2.2 Hold Up Alarms - No Person shall install a device activating a Hold Up Alarm which is a single action non-recessed button. An Alarm Company shall remove all such single action non-recessed buttons when a Takeover or Conversion occurs.
- 2.3 Approved Control Panels - No Person shall install an Alarm System control panel that has not been tested for conformance to the Security Industry Association (SIA)'s "Control Panel: False Alarm Reduction Features Standard".
- 2.4 No Automatic Voice Diallers - No Person shall use automatic voice diallers that transmit messages regarding Alarm Systems or Alarm Dispatch Requests to any phone number assigned to the RCMP. Any Person using such a device shall be subject to the applicable fee as set out in Schedule A to this bylaw.
- 2.5 Alarm Time Limit - No Person shall install, maintain, or use a Local Alarm that is capable of being sounded continually for a period of more than five (5) minutes.
- 2.6 Local and Monitored Alarm Systems - Where a premise contains both a Local Alarm and a Monitored Alarm System, the provisions of this bylaw relating to a Monitored Alarm System shall apply.
- 2.7 Testing of Alarm Systems - Testing of an Alarm System is permitted, however the Alarm System shall be placed "out of service" when testing or maintenance is undertaken, such that a False Alarm is not caused.

## SECTION 3 - REGISTRATION

- 3.1 **Registration Required** - No Alarm User shall operate, or cause to be operated, an Alarm System at an Alarm Site without a valid registration issued by the Alarm Coordinator. Each individual unit or portion of a property or building which has an independent Alarm System shall be considered a separate Alarm Site and a separate registration is required for each Alarm Site. An additional Alarm Registration classification shall be required for Alarm Systems programmed with a Hold Up Alarm.
- 3.2 **Registration of Alarms in Multi-Unit Buildings** - A tenant or owner of an individual unit with an Alarm System which operates independently from any Alarm System that relates to the entire building or to areas of the building greater than an individual unit shall obtain an Alarm Registration from the Alarm Coordinator before operating or causing the operation of an Alarm System in the tenant's or owner's individual unit. The owner or property manager of a multi-unit building or complex shall obtain a separate Alarm Registration for any Alarm System operated in offices or common areas of the building or complex.
- 3.3 **Registration of ATM Alarms** - All ATM's must be registered separately from any other Alarm System at an Alarm Site.
- 3.4 **Registration Fee** - All applications for registration shall be accompanied by the applicable fee as set out in Schedule A to this bylaw. No refund of a registration or registration renewal fee will be made. The initial registration fee must be submitted to the Alarm Coordinator within ten (10) business days after the alarm installation or alarm Takeover.
- 3.5 **Reasons to Refuse Registration** - Upon receipt of a completed application form and the Alarm Registration fee, the Alarm Coordinator shall register the applicant unless the applicant has:
  - (a) failed to pay any fee assessed under Schedule A to this bylaw;
  - (b) has provided false information in relation to a registration or registration application; or
  - (b) had an Alarm Registration for the Alarm Site suspended and the violation causing the suspension has not been corrected.
- 3.6 **Required Information** - Each Alarm Registration application must be submitted in the form of Schedule D to this bylaw, and must include the following information:
  - (a) the name, complete address (including unit number) and telephone numbers of the Person who will be the primary contact Alarm User and who will be responsible for the proper maintenance and operation of the Alarm System and payment of the fees assessed pursuant to this bylaw;
  - (b) the classification of the Alarm Site as either single unit residential (which includes, but is not necessarily limited to, single family residences, individual strata units or apartment units, mobile homes and other independently alarmed residential premises), or other (which includes, but is not necessarily limited to, commercial premises, and multi-unit buildings in which individual units are not independently alarmed);

- (c) The classification of the Alarm System for each Alarm System at an Alarm Site (for example, burglary, hold up or other applicable classifications), and for each purpose whether audible or silent;
  - (d) the mailing address of the Alarm User if different from that of the Alarm Site;
  - (e) any dangerous or special conditions present at the Alarm Site, including, but not necessarily limited to dangerous pets, chemicals, hazardous structures or any other condition that may place a person responding to an Alarm Dispatch Request in jeopardy;
  - (f) the name address and telephone numbers of at least two Keyholders who are able and have agreed to receive notification of an alarm activation at any time, are able to respond to the Alarm Site within thirty (30) minutes of such notice, and upon request can grant access to the Alarm Site and deactivate the Alarm System if such becomes necessary. Where the Alarm Site is an individual unit in a multi-unit building, the property manager of the building should be listed as a Keyholder;
  - (g) the type of business conducted at the Alarm Site, if applicable;
  - (h) signed certification from the Alarm User stating:
    - (i) the date of installation, Conversion or Takeover of the Alarm System, whichever is applicable;
    - (ii) the name, address and telephone number of the Alarm Company performing the Alarm System installation, Conversion or Alarm System Takeover and responsible for providing repair service to the Alarm System;
    - (iii) the name, address and telephone number of the Monitoring company (if applicable), if different from the installing Alarm Company;
    - (iv) that a set of written operating instructions for the Alarm System, including written guidelines on how to avoid False Alarms, have been left with the Alarm User, and that the Alarm Company has trained the Alarm User in the proper use of the Alarm System, including instructions on how to avoid False Alarms;
    - (v) that Police Response may be based on various factors including, but not necessarily limited to, availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, and staffing levels.
- 3.7 Providing False Registration Information - Any false statement of a material fact made by an applicant for the purpose of obtaining an Alarm Registration shall be sufficient cause for refusal to issue, a revocation, or suspension of, a registration.
- 3.8 No Transfer of Registration - An Alarm Registration cannot be transferred to another Person or Alarm Site.

- 3.9 **Changes in Registration Information** - An Alarm User shall inform the Alarm Coordinator within ten (10) business days of any change that alters any information listed on the registration application.
- 3.10 **Registration Duration and Renewal** - A registration shall expire one (1) year from the date of issuance and must be renewed by submitting an updated application and a registration renewal fee, as set out in Schedule A to this bylaw, to the Alarm Coordinator. The Alarm Coordinator shall make reasonable effort to notify each Alarm User of the need to renew thirty (30) days prior to the expiration of the registration. It is the responsibility of the Alarm User to submit an application prior to the registration expiration date. A late fee, as set out in Schedule A to this bylaw, shall be assessed if the renewal is not complete by expiration of the registration, and failure to renew within thirty (30) days of the expiration of the registration shall be classified as use of a non-registered Alarm System and fees shall be assessed without waiver.

#### SECTION 4 - RESPONSES TO ALARMS

- 4.1 **Alarm When Premises Normally Occupied** - When a Person attending a Monitored Alarm System receives an alarm from an Alarm System during those hours when the premises in which the system is located are normally occupied, such Person shall attempt to Verify that the alarm is not a False Alarm by telephoning the said premises before advising any member of the RCMP of the alarm.
- 4.2 **Hold Up Alarms** - Sub-Section 4.1 of this bylaw does not apply to a Hold Up Alarm signal of a Monitored Alarm System.
- 4.3 **Notification of Keyholder Successful** - A Person who monitors a Monitored Alarm System, and who has informed a member of the RCMP that the system has been activated, shall notify a Keyholder to the premises where the Monitored Alarm System is located. The Keyholder shall attend at such premises within thirty (30) minutes of such notice.
- 4.4 **Notification of Keyholder Unsuccessful** - In the event that a Person monitoring a Monitored Alarm System is unable to notify a Keyholder pursuant to sub-section 4.3 of this bylaw within ten (10) minutes of the system being activated, the RCMP shall not, upon inspecting the exterior of the said premises and finding nothing amiss, be required to remain at the said premises.
- 4.5 **Responses Where Alarm System Unregistered** - When the RCMP has been called to respond to an alarm from an Alarm System which is not registered pursuant to this bylaw, the Alarm User responsible for that Alarm System shall pay the applicable fee as set out in Schedule A to this bylaw.

#### SECTION 5 - FALSE ALARMS

- 5.1 **Charge for Excessive False Alarms** - For every occurrence of an Excessive False Alarm to which the RCMP respond, Alarm User of the Alarm Site to which the Alarm System in question relates shall pay the applicable fee as outlined in Schedule A to this Bylaw, upon receipt of an invoice for the same.



- 5.2 Charge for False Hold Up Alarms - For every occurrence of a false Hold Up Alarm to which the RCMP respond, the Alarm User of the Alarm Site to which the Alarm System in question relates shall pay the applicable fee as outlined in Schedule A to this bylaw, upon receipt of an invoice for the same.
- 5.3 Exemptions from Excessive False Alarm or False Hold Up Alarm Fees - The following shall not be included when computing the number of False Alarms which have occurred pursuant to sub-sections 5.1 and 5.2 of this bylaw:
- (a) any False Alarm which the owner can demonstrate was caused by a storm, lightning, fire, earthquake, or other act of God;
  - (b) any False Alarm where Cancellation has occurred prior to Police arrival and within five minutes from the time of the dispatch to RCMP patrol unit;
  - (c) any False Alarm caused by communication network disruptions beyond the control of the alarm owner, employee or designate; and
  - (d) any False Alarm that occurs during the first seven (7) days after the initial installation of an Alarm System.

## **SECTION 6 - NOTIFICATION OF EXCESSIVE FALSE ALARMS**

- 6.1 Warning - The Alarm Coordinator shall notify the Alarm User in writing after the second and the third False Alarm within a 365 day period. The notification shall include: the amount of the administrative fee for the third and fourth False Alarms in a 365 day period, the fact that response will be suspended after the fourth False Alarm and a description of the appeal procedure available to the Alarm User.
- 6.2 Suspension - The Alarm Coordinator shall notify the Alarm User and the Monitoring company in writing after the fourth False Alarm that alarm response has been suspended. The notification of suspension shall include the amount of the administrative fee for the fourth False Alarm and a description of the appeal procedure available to the Alarm User and the Alarm Company.
- 6.3 Service on Alarm User - All notifications shall be served personally or by registered letter on the Alarm User.
- 6.4 Service on Alarm Company - The Monitoring Alarm Company shall be notified by sending the notice by facsimile to the Monitoring Alarm Company's business address.

## **SECTION 7 - SUSPENSION OF REGISTRATION AND RESPONSE**

- 7.1 Suspension of Registration - The Alarm Coordinator shall suspend registration of an Alarm System, which shall result in a suspension of automatic Police Response to Alarm Dispatch Requests, if it is determined that:
- (a) the Alarm User has four (4) or more False Alarms in one (1) year; or
  - (b) there is a false statement of material fact in the application for registration; or

- (c) the Alarm User has failed to make timely payment of a fee assessed pursuant to the provisions of this bylaw. In the case of a fee incurred for a third or subsequent False Alarm in a one (1) year period, or a fee incurred for an RCMP Dispatch Request to an Alarm System that has not been registered pursuant to this bylaw, timely payment for the purposes of this subsection shall be within fifteen (15) days from the date of service of the fee notice; or
- (d) the Alarm User has failed to submit a written certification from an Alarm Company that complies with the requirements of this section, stating that the Alarm System has been inspected and repaired (if necessary) by the Alarm Company; or
- (e) if upon reinstatement of registration there are two (2) False Alarms in the next sixty (60) days.
- (f) if the RCMP notify the Alarm Coordinator of abuse of the registration and response system set up pursuant to this bylaw by the Alarm User (which may include, but is not necessarily limited to, attempting to circumvent registration procedures, alarm response procedures, and the like).

7.2 Operation of Alarm System under Suspended Registration - A Person violates the provisions of this bylaw if he operates or causes the operation of an Alarm System during the period in which the registration is suspended. The Alarm User shall pay the applicable fee as set out in Schedule A to this bylaw. A Monitoring Alarm Company violates the provisions of this bylaw if, after being notified by the Alarm Coordinator that the registration for an Alarm System has been suspended, the Monitoring Alarm Company requests Police Response to the Alarm Site to which the registration applies, without a separate indication that there is a crime in progress. The Monitoring Alarm Company shall pay the applicable fee as set out in Schedule A to this bylaw.

7.3 Responses When Registration is Suspended - Unless there is a separate indication that there is a crime in progress, the RCMP may refuse Police Response to an Alarm Dispatch Request at an Alarm Site for which the Alarm Registration is suspended.

7.4 Extended Suspension - If an Alarm Registration is reinstated pursuant to the provisions of this bylaw, the Alarm Coordinator may re-suspend the Alarm Registration if two (2) False Alarms occur within sixty (60) days after the reinstatement date.

## **SECTION 8 - REINSTATEMENT OF REGISTRATION AND RESPONSE**

8.1 Reinstatement - An Alarm User whose Alarm Registration has been suspended may have the registration, and thereby automatic Police Response, reinstated by the Alarm Coordinator or the Advisory Board, if the Alarm User has complied with all of the following requirements:

- (a) Submits an updated application for Alarm Registration;
- (b) Submits certification from an Alarm Company, in the form set out in Schedule E to this bylaw, stating that the Alarm System has been inspected and repaired (if necessary) by the Alarm Company and is in good working order; and
- (c) Pays or otherwise resolves all outstanding fees, plus the reinstatement fee, as set out in Schedule A to this bylaw.

## SECTION 9 - APPEALS

- 9.1 **Right to Appeal to Alarm Coordinator** - If the Alarm Coordinator denies the issuance or renewal of an Alarm Registration, or suspends a registration, the Alarm Coordinator shall send written notice of the action and a statement of the right to an appeal to either the applicant or Alarm User and to any applicable Alarm Company. The party appealing shall file a written appeal to the Alarm Coordinator by setting forth the reasons for the appeal, and delivering the same along with the applicable appeal fee as set out in Schedule A to this bylaw, within ten (10) days after receipt of the notice of the denial of issuance or renewal, or suspension, of the Alarm Registration. Filing a written appeal shall stay any decision of the Alarm Coordinator, and the assessment of any applicable fee other than the appeal fee until a decision on the appeal is given. Subject to the filing of a further appeal pursuant to sub-section 9.2 of this bylaw, the decision of the Alarm Coordinator is final.
- 9.2 **Right to Appeal to Advisory Board** - If the Alarm Coordinator denies an appeal, the appealing party shall have a further right to appeal to the Advisory Board. The party appealing shall file a written appeal to the Advisory Board by setting forth the reasons for the further appeal and delivering the same along with the applicable appeal fee as set out in Schedule A to this bylaw, within twenty (20) days after receipt of the notice of the denial of the original appeal.

The Advisory Board shall conduct a formal hearing and consider the evidence of any interested Person(s). The Advisory Board shall make its decision on the basis of the preponderance of evidence presented at the hearing. The Advisory Board must render a decision within thirty (30) days after the request for an appeal from the decision of the Alarm Coordinator is filed. The Advisory Board shall affirm or reverse the assessment of the administrative fee, refusal to register or suspend and its decision is final. Filing a written appeal shall stay any decision of the Alarm Coordinator, and the assessment of any applicable fee other than the appeal fee until a decision on the appeal is given.

## SECTION 10 - DUTIES OF ALARM COMPANIES

- 10.1 **Aware of Bylaw Provisions** - An Alarm Company shall be responsible to make all necessary employees or contractors aware of the provisions of this bylaw, and to provide current, accurate information to the Alarm Coordinator as required by the provisions of this bylaw.
- 10.2 **Upon Installation** - Upon completion of an installation, or following any inspection of an Alarm System pursuant to this bylaw, an Alarm Company employee shall:
- (a) offer a training period to customers upon installation of alarm;
  - (b) complete the Installer False Alarm Prevention Programme Checklist, as set out in Schedule B to this bylaw;
  - (c) provide all new customers (whether the Alarm System is to be monitored or not) with the approved Alarm Registration form, as set out in Schedule D to this bylaw;

- (e) review with the Alarm User the Customer False Alarm Prevention Checklist, as set out in Schedule C to this bylaw; and
- (f) complete, when applicable, the Alarm Systems Inspection Report, as set out in Schedule E to this bylaw.

**10.3 When Monitoring - An Alarm Company performing Monitoring services shall:**

- (a) report alarm signals by using telephone numbers designated by the Alarm Coordinator;
- (b) attempt to Verify every alarm signal, except Hold Up Alarm activation, before requesting a Police Response to an Alarm System signal;
- (c) communicate Alarm Dispatch Requests to the RCMP in a manner and form determined by the Alarm Coordinator;
- (d) communicate Cancellations to the RCMP in a manner and form determined by the Alarm Coordinator;
- (e) ensure that Alarm Users of Alarm Systems equipped with Hold Up Alarms are given adequate training as to the proper use of the holdup alarm;
- (f) communicate any available information (north, south, front, back, floor, or other applicable term) about the location of the Alarm System signal(s);
- (g) communicate the type(s) of alarm signal (silent or audible, interior or perimeter);
- (i) provide the Alarm User's registration number when making an Alarm Dispatch Request;
- (j) endeavour to contact the Alarm User or a Keyholder when an Alarm Dispatch Request is made; and
- (k) upon enactment of this bylaw, Monitoring Alarm Companies must maintain for a period of at least 365 days, records relating to Alarm Dispatch Requests. Records must include the name, address and phone number of the Alarm User, the Alarm System zone(s) activated, the date and time of the Alarm Dispatch Request and evidence of an attempt to Verify. The Alarm Coordinator may request copies of such records for individually named Alarm Users.

**10.4 Pattern or Policy of Not Verifying - A Monitoring Alarm Company which demonstrates a consistent pattern, or maintains a written policy, of failing to Verify in accordance with subsection 10.3 (b) of this bylaw, shall be assessed the applicable fee as set out in Schedule A to this bylaw.**

**10.5 False Statement by Employee of Alarm Company - An Alarm Company whose employee has made a false statement concerning the inspection of an Alarm Site or the performance of an Alarm System shall be assessed the applicable fee as set out in Schedule A to this bylaw.**

**10.6 Maintenance of Records - An Alarm Company shall maintain all records as required by the Alarm Coordinator pursuant to this bylaw, and shall submit those records to the Alarm Coordinator as required and as permitted by law.**

## SECTION 11 - DUTIES OF THE ALARM COORDINATOR

### 11.1 Development of Procedures - The Alarm Coordinator shall:

- (a) designate a manner, form and telephone numbers for the communication of Alarm Dispatch Requests;
- (b) establish a procedure to accept Cancellation of Alarm Dispatch Requests.

### 11.2 Maintenance of Records - The Alarm Coordinator shall establish a procedure to record such information on Alarm Dispatch Requests necessary to permit the Alarm Coordinator to maintain records, including, but not limited to, the following information:

- (a) identification of the registration number for the Alarm Site;
- (b) identification of the Alarm Site;
- (c) date and time the Alarm Dispatch Request was received;
- (d) date and time of police officer(s) arrival at the Alarm Site;
- (e) zone if available;
- (f) name of the Alarm User's Keyholder on premises, if any;
- (g) identification of the responsible Alarm Company, if applicable.

### 11.3 Registration and Fee Collection - The Alarm Coordinator shall collect all applicable fees and receive applications for Alarm Registration.

## SECTION 12 - DUTIES OF THE ALARM USER

### 12.1 Maintenance of Premises and Alarm System - An Alarm User shall:

- (a) maintain the applicable premises and the Alarm System in a manner that will minimize or eliminate False Alarms;
- (b) make every reasonable effort to respond, or cause a Keyholder to respond, to the Alarm System's location within thirty (30) minutes when notified to deactivate a malfunctioning Alarm System;
- (c) provide RCMP access to the premises when an Alarm Dispatch Request is made, and where necessary ensure security for the premises such that RCMP resources may be released as soon as possible after responding to such a request;
- (d) not manually activate an Alarm for any reason other than an occurrence of an event that the Alarm System was intended to report; and
- (e) ensure that current and accurate information with regard to the Alarm Registration (including Keyholder information) is supplied to any applicable Monitoring Alarm Company and to the Alarm Coordinator.

### 12.2 Alarm Signal Duration - An Alarm User shall adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal audible on the exterior of an Alarm Site will sound for no longer than five (5) minutes after being activated .

- 12.3 Inspection of Alarm System After False Alarms - An Alarm User shall have a properly Licenced Alarm Company inspect the Alarm System, and complete the Alarm System Inspection Report as set out in Schedule E to this bylaw, after two (2) False Alarms in a 365 day period. The Alarm Coordinator may waive an inspection requirement if it is determined that a False Alarm could not have been related to a defect or malfunction in the Alarm System. After four (4) False Alarms within a 365 day period, the Alarm User must have an Approved Alarm Service Technician modify the Alarm System to be more False Alarm resistant or provide proper training as appropriate.
- 12.4 Operating Instructions - An Alarm User shall maintain at each Alarm Site, a set of written operating instructions for each Alarm System and shall ensure that all Persons (whether employees or third parties such as contractors, sub-contractors, maintenance staff and the like) who are authorized to use the Alarm System are properly trained in its use and the requirements of Keyholders under this Bylaw.

### SECTION 13 - GENERAL

- 13.1 Administration of Bylaw - Administration of this bylaw is the responsibility of the RCMP or the Alarm Coordinator, or both.
- 13.2 No Liability - Registration of an Alarm System is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained.
- 13.3 Offence and Penalties - Every Person who:
- (a) violates any provision of this bylaw;
  - (b) permits any act or things to be done in contravention or in violation of any of the provisions of this bylaw;
  - (c) neglects to do or refrains from doing anything required to be done by any of the provisions of this bylaw;
  - (d) fails to comply with any order, direction, or notice given under this bylaw;
- commits an offence and, except as hereinbefore specifically provided, shall be liable, on summary conviction, to a penalty not exceeding ten thousand dollars (\$10,000.00) and the costs of prosecution. Where the offence is a continuing one, each day that the offence continues shall be a separate offence.
- 13.4 Schedules - Schedules A, B, C, D, and E are attached to and form part of this bylaw.
- 13.5 Freedom of Information and Protection of Privacy - Personal information collected by an Alarm Company as a result of the operation of this bylaw is subject to the provisions of the Personal Information Protection Act. Information collected by the City of Kelowna as a result of the operation of this bylaw, including personal information disclosed to the City by an Alarm Company, is subject to the provisions of the Freedom of Information and Protection of Privacy Act.

- 13.6 Unpaid Fees Form Part of Taxes in Arrears - Pursuant to the provisions of the *Community Charter*, any fees required to be paid by this bylaw in relation to a response to a False Alarm, which remain unpaid at December 31<sup>st</sup> of the year in which they are imposed, shall be added to and form part of the taxes in arrears on the subject property.
- 13.7 Effective Date - This bylaw shall come into force and effect on the date of adoption and shall apply to all Alarm Systems, including but not limited to those installed, kept, or used prior to the effective date of this bylaw.
- 13.8 Repeal - City of Kelowna Security Alarm Systems Bylaw No. 7962 is hereby repealed.

Read a first, second and third time by the Municipal Council this 29<sup>th</sup> day of November, 2004.

Adopted by the Municipal Council of the City of Kelowna this 6<sup>th</sup> day of December, 2004.

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Mayor

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City Clerk

## SCHEDULE A Security Alarm Systems Bylaw No. 9147

**FEES** (not including GST, where applicable):

Registration Fees	
Residential	\$10.00
Other	\$15.00

Late Registration Fees (Additional)	
Residential	\$10.00
Other	\$15.00

False Alarm Fees			
# of False Alarms in a one (1) year period	Residential Fee	Non-Residential Fee	Hold-up Fee
1	\$0.00	\$0.00	\$0.00
2	\$0.00	\$0.00	\$100.00
3	\$50.00	\$100.00	\$200.00
4 or more	\$100.00	\$200.00	\$300.00

Use of Automatic Voice Dialer to Notify RCMP Fee	\$100.00
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RCMP Response to Unregistered Alarm System Fee	\$100.00
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Alarm Dispatch Request Where Alarm Registration Suspended (without verification of alarm)	\$100.00
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Registration Reinstatement Fee (not including any other outstanding fees)	\$100.00
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## SCHEDULE B

### Security Alarm Systems Bylaw No. 9147

#### INSTALLER FALSE ALARM PREVENTION PROGRAMME CHECKLIST

YES	NO		
<input type="checkbox"/>	<input type="checkbox"/>	1	I confirmed that the control panel has been programmed so that:
<input type="checkbox"/>	<input type="checkbox"/>	(a)	it will not transmit more than ___ alarm signals from the same zone until manually restored at the premises. (Recommend no more than two.)
<input type="checkbox"/>	<input type="checkbox"/>	(b)	it has adequate delay time on entry/exit doors (delay of 45 seconds or more is recommended).
<input type="checkbox"/>	<input type="checkbox"/>	2	I verified that the Keypad(s) emit sufficient sound to inform occupants when an entry/exit door sensor has been triggered.
<input type="checkbox"/>	<input type="checkbox"/>	3	Installed and tested standby/back-up power.
<input type="checkbox"/>	<input type="checkbox"/>	4	I reviewed the "Customer False Alarm Prevention Checklist" with the customer.
<input type="checkbox"/>	<input type="checkbox"/>	5	I determined whether the customer had special telephone features, such as call waiting, and took appropriate steps to allow proper control panel dialing and Monitoring centre verification.
<input type="checkbox"/>	<input type="checkbox"/>	6	I made sure the control panel was properly grounded.
<input type="checkbox"/>	<input type="checkbox"/>	7	I made sure that all door and window contacts were properly selected, installed and tested. I considered loose fitting doors and windows, whether wide gap contacts were needed, and steel doors and windows. I followed the manufacturer's installation instructions.
<input type="checkbox"/>	<input type="checkbox"/>	8	I made sure all glass breakage sensors were properly selected, installed and tested. I gave consideration to pets, on site noises and the general environment. I followed the manufacturer's installation instructions.
<input type="checkbox"/>	<input type="checkbox"/>	9	All motion type detectors were properly selected, properly installed and tested. I gave consideration to pets, sunlight, other heat sources, and harsh environments. I followed the manufacturer's installation instructions.

Please explain if you answered "no" to any of the above items:

Installation Technician:

\_\_\_\_\_  
(Print) Name:

\_\_\_\_\_  
Date:

## SCHEDULE C

### Security Alarm Systems Bylaw No. 9147

#### CUSTOMER FALSE ALARM REINSTATEMENT PREVENTION CHECKLIST

- | YES                      | NO                       |    |  |
|--------------------------|--------------------------|----|--|
| <input type="checkbox"/> | <input type="checkbox"/> | 1  | I have been trained in the proper operation of the system.   |
| <input type="checkbox"/> | <input type="checkbox"/> | 2  | I have been given a summary operating sheet.   |
| <input type="checkbox"/> | <input type="checkbox"/> | 3  | I have been given the security system operating manual.  |
| <input type="checkbox"/> | <input type="checkbox"/> | 4  | I know how to cancel an accidental alarm activation.   |
| <input type="checkbox"/> | <input type="checkbox"/> | 5  | I have the Cancellation code.  |
| <input type="checkbox"/> | <input type="checkbox"/> | 6  | I know how to turn off motion detectors while leaving other sensors on.  |
| <input type="checkbox"/> | <input type="checkbox"/> | 7  | I know how to test the system, including the communication link with the Monitoring centre.  |
| <input type="checkbox"/> | <input type="checkbox"/> | 8  | I understand the length of the delay time on designated entry/exit doors and I believe this will provide sufficient time to get in and out of the premises. My entry time is _____. My exit time is _____. |
| <input type="checkbox"/> | <input type="checkbox"/> | 9  | I have the Alarm Company phone number to request repair service or to ask questions about the Alarm System.  |
| <input type="checkbox"/> | <input type="checkbox"/> | 10 | I have been offered the option of a training/no dispatch period.   |
| <input type="checkbox"/> | <input type="checkbox"/> | 11 | I understand that indoor pets can cause False Alarms and I will contact Alarm Company to adjust the system if I acquire any additional indoor pets.  |
| <input type="checkbox"/> | <input type="checkbox"/> | 12 | I know where the main control panel and transformer are located.   |
| <input type="checkbox"/> | <input type="checkbox"/> | 13 | I have received an alarm sheet which describes how the Alarm Company will communicate with me in the event of various alarm signals.   |
| <input type="checkbox"/> | <input type="checkbox"/> | 14 | I understand the importance of keeping my emergency contact information updated and I know how to do this.   |
| <input type="checkbox"/> | <input type="checkbox"/> | 15 | I understand the importance of immediately advising the Alarm Company if my phone number changes (including area code changes).  |

- 16 I understand the importance of any other changes to my telephone service such as call waiting or a fax line or high speed internet connection.
- 17 I have been made aware of the alarm bylaw, if any, that governs the operation of my Alarm System and I will comply with applicable requirements (permits, fees, etc.).
- 18 I will advise the Alarm Company if I do any remodeling (such as extensive painting, moving walls, doors or windows).
- 19 I understand that certain building defects (such as loose fitting doors or windows, rodents, inadequate power, and roof leaks) can cause False Alarms. I will correct these defects as I become aware of them.
- 20 The Alarm Company has given me written False Alarm prevention techniques to help me prevent False Alarms.
- 21 I understand it is my responsibility to prevent False Alarms and I understand it is critical and my responsibility to assure that all users of the system (such as residents, employees, guests, cleaning people, and repair people) are trained on the proper use of the system.

Comments:

Alarm Company Customer

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Print Name(s):

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Signature(s)/Date:

**SCHEDULE D**  
**Security Alarm Systems Bylaw No. 9147**

**REGISTRATION FORM**

R.C.M.P  
Kelowna Detachment  
350 Doyle Avenue  
Kelowna, B.C. V1Y 6V7  
Phone: 250-762-3300 Fax: 250-470-6348

Office Use Only

Permit #

Date Issued

Amount Paid

APPLICANT/ALARM USER INFORMATION (Please print clearly or type)

Name of residence or Name of business (should be the same name Alarm Company uses for dispatch).

Telephone number at location

Street #

Street Name of Alarmed Location

Apt. #

TYPE

Residence

Other

Normal operating hours

APPLICANT/ALARM USER MAILING ADDRESS

Attention		
Address		
City	Province	Postal Code
Name of Residence/ Business Owner		
Alternate Telephone Number for Owner (      )		
ALARM COMPANY AND/OR MONITORING ALARM COMPANY		Fax Number (      )
Installed/serviced by: (Name of Alarm Company)	Telephone Number (      )	
Monitored by: (Name of Monitoring Alarm Company)	Telephone Number (      )	
TYPE OF ALARM (Check all that apply.)	Intrusion Alarm <input type="checkbox"/> Panic Alarm <input type="checkbox"/> Audible <input type="checkbox"/> Silent <input type="checkbox"/> Hold Up Alarm <input type="checkbox"/> Other <input type="checkbox"/> _____	
Date of installation:		

PREMISES INFORMATION (check all that apply).	Dangerous Pet(s) <input type="checkbox"/>	Chemicals <input type="checkbox"/>
	Hazardous Structures <input type="checkbox"/>	Other <input type="checkbox"/> _____

**Keyholders** (List two Keyholders [other than applicant] who will respond to an alarm activation to assist the police in determining the cause of the alarm activation and to secure the premises.)

Name	Day Telephone (    )	Night Telephone (    )
Name	Day Telephone (    )	Night Telephone (    )

The application fee of \$10 (residential) or \$15 (other) must be included with the application. Please make cheque or money order payable to the City of Kelowna. An addressed envelope has been included for your convenience.

Applicant signature	Date
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*Personal information collected on this form is collected under the Freedom of Information and Protection of Privacy Act and Bylaw No. 9147 and will be used only for the purpose of administration and enforcement of the Security Alarm Systems Bylaw.*

# SCHEDULE E

## Security Alarm Systems Bylaw No. 9147

### ALARM SYSTEM INSPECTION REPORT

Important - Prior to commencing any inspection work on the Alarm System, notify the Monitoring Alarm Company that the Alarm System is being tested/inspected. Do not be the cause of a False Alarm!

#### INSPECTION OBJECTIVE

The objective of this inspection report is to evaluate and report upon the condition and use of a security Alarm System. The use of the Alarm System and the system's operational stability will be examined and evaluated for the express purpose of identifying the causes of False Alarms and for making recommendations for improvements to the use or condition of the system to reduce/eliminate False Alarms.

#### GENERAL PURPOSE

The Approved Alarm Service Technician will evaluate the quality of the system components and standard of installation as a means to determine the system's ability to operate without causing False Alarms from electronic failure or malfunction. The Approved Alarm Service Technician will also review all available information relating to recent alarm activity, maintenance and installation design attributes, and will interview the user(s) of the Alarm System to establish the probable causes of False Alarms.

Through the completion of the Alarm System Inspection Report, the Approved Alarm Service Technician will provide information to the RCMP and/or the Alarm Coordinator. This report will be used to determine the conditions of the reinstatement of a Suspended Alarm Registration, or as the basis to issue an Alarm Registration in the first instance.

The Approved Alarm Service Technician will also make recommendations for: the improvement of system design, maintenance of the Alarm System, change in alarm or Monitoring Alarm Company procedures and/or training of the Alarm User(s), as a means to correct the past False Alarm record for the system.

DATE OF INSPECTION:	
ALARM SYSTEM DETAILS	ALARM INSPECTION INFORMATION
Alarm Registration #	Approved Alarm Service Technician Last name <span style="float: right;">First Name</span>
Alarm User Name	Security Employee File #
Contact Person	T.Q. #
Address	Alarm Company Name
Phone	Phone
Fax	
Date of Alarm System Installation	By: Invoice/Work Order/Estimate (circle one)
BRAND NAME OF MODEL NUMBER OF CONTROL PANEL	

- 1 Alarm System Activity  
Review recent system activity and record the possible causes for the False Alarms. (Attach Activity Report for Monitored Alarm Systems.)

2 Evaluation of the Alarm System

Determine the Alarm System's ability to operate without causing False Alarms. Report the problem(s) identified as result of your inspection. Consider the following common causes of False Alarms: a) user error, b) system design, c) system installation standards, d) service/maintenance, e) equipment malfunction, f) Monitoring station fault, g) telephone line fault.

3 Test all zones. For Monitored Alarm Systems, check for the correct transmission of event codes to the Monitoring station. Provide Monitoring Alarm Company Alarm Report upon request.

\_\_\_\_\_ DONE  
APPROVED ALARM SERVICE TECHNICIAN'S INITIALS

4 Miscellaneous

- 1 Does the Alarm User have written operation instructions readily available? Yes  No
- 2 Is the time delay for entry and exit sufficient for False Alarm free operation? Yes  No
- 3 Does the Monitoring Centre know the user(s) phone number to cancel alarm signals in the event of an error?  
Yes  No
- 4 Does the Alarm User have information from the Alarm Company that will assist in minimizing/eliminating False Alarms? Yes  No
- 5 Is the Alarm User/Keyholder/Private Security information current and correct? Yes  No
- 6 Is the Alarm Company phone number known and is there 24 hour emergency service available?  
Yes  No

APPROVED ALARM SERVICE TECHNICIAN

a From the list in section 2, please indicate below the main causes of False Alarms as determined from this Inspection Report.

b I certify that this Alarm System is functionally: Not currently capable  Currently capable  of operating without causing Excessive False Alarms.

Signature: \_\_\_\_\_  
Approved Alarm Service Technician

c The users of this Alarm System: Require  Do not require  training and/or written operating instructions on the proper use of this Alarm System.

Signature: \_\_\_\_\_  
Approved Alarm Service Technician

If the Alarm System or the users of the Alarm System are not currently capable of operating the Alarm System without causing Excessive False Alarms - indicate on additional pages, the specific problem(s) that are, or could be, the cause(s) of Excessive False Alarms from this system.

d The problems identified on this report, or on attached pages to this report, have been corrected to my satisfaction and that the corrections are likely to reduce or eliminate False Alarms from this security Alarm System.

Signature: \_\_\_\_\_  
Approved Alarm Service Technician

Security Employee File #

Attach Work Orders, Purchase Orders, Receipts, User Instruction Information, Signatures of System Trained Users etc. as proof of the above.

Note: Reinstatement, issuance, or refusal to issue an Alarm Registration using information provided in this Inspection Report in no way constitutes a representation or warranty by the City of Kelowna/Kelowna RCMP as to the effectiveness or otherwise of the Alarm System.