

# Town of Creston

## Bylaw No. 1932

A bylaw to regulate, prohibit and impose requirements in relation to the installation, maintenance, and control of False Alarms of alarm systems in the Town of Creston.

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WHEREAS the *Community Charter* authorizes Council, by bylaw to regulate, prohibit and impose requirements in relation to municipal services and any matter within the scope of the *Fire Services Act*, including the installation, maintenance and amount of False Alarms of alarm systems.

NOW THEREFORE, the Council of the Town of Creston, in open meeting assembled, enacts as follows:

### Part 1 Citation

1.1 This Bylaw may be cited as "Alarms Bylaw No. 1932, 2021".

### Part 2 Severability

2.1 If a portion of This Bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of This Bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause, or phrase.

### Part 3 Definitions

3.1 In This Bylaw, unless the context otherwise requires,

**"Authority Having Jurisdiction"** means the Fire Chief, a Local Assistant and any other person authorized by the Fire Chief to exercise some or all of a Local Assistant's power;

**"British Columbia Fire Code"** and **"BC Fire Code"** means the Schedule to the British Columbia Fire Code Regulation enacted under the *Fire Services Act*;

**"Building"** means any structure used or intended to be used for supporting or sheltering any use or occupancy;

**"Bylaw Enforcement Officer"** means the person appointed by Council as the Bylaw Enforcement Officer for the Town of Creston and for the purposes of This Bylaw also includes the Fire Chief and Deputy Fire Chief;

**"False Alarm"** means the activation, whether caused by human error, equipment testing, intentional act, or a malfunction of the system attributed to improper installation or lack of maintenance, of an alarm system resulting in a response by Protective Services or otherwise on behalf of the Municipality during which the responders find no evidence of fire, fire damage, smoke, criminal activity, unauthorized entry, or other emergency requiring a response by Protective Services;

**"Fire Alarm System"** means one or more devices and other interconnecting parts of a system installed on or in real property and designed to warn Protective Services of a fire by activating an audible alarm signal and / or alerting a monitoring facility, but does not include a Fire Alarm System that is intended to alert only the occupants of the dwelling unit in which it is installed;

**“Fire Chief”** means a person appointed by Council to serve as Chief of the Fire Department;

**“Fire Department”** means Creston Fire & Rescue Services, a department of the Town of Creston;

**“Hotel”** includes

- a) an apartment Building,
- b) a residential condominium Building that has:
  - i. 2 or more levels of strata lots as defined in the *Strata Property Act*, and
  - ii. One or more corridors that are common property as defined in the *Strata Property Act*, and
- c) a boarding house, lodging house, club or any other Building, where lodging is provided, except a private dwelling;

**“Local Assistant”** means a Local Assistant as defined in the *Fire Services Act*;

**“Municipality”** means the body incorporated as the Town of Creston and the Town’s territorial jurisdiction, according to its context in This Bylaw;

**“Occupier”** includes an Owner, tenant, lessee, agent, and any other person who has the care, control and the right of access to real property or a Building;

**“Owner”** has the same meaning as in the *Community Charter*;

**“Peace Officer”** means, for the purposes of This Bylaw only, a person employed as the Fire Chief of the Municipality or appointed as a Local Assistant to the Fire Commissioner for the Municipality, any person employed or appointed by the Municipality as a Bylaw Enforcement Officer, a member of the Royal Canadian Mounted Police or any municipal Police officer;

**“Police”** means the detachment of the Royal Canadian Mounted Police providing Police services to the Town of Creston;

**“Premises”** means Hotel, Public Building, private Building, or real property;

**“Property Representative”** means an Owner, Occupier, or person who is capable of gaining access to or securing Premises containing an alarm system, and who has been named by an Owner or Occupier as a person who can be contacted in the event of an activation of the alarm system;

**“Protective Services”** means the Fire Department or Police;

**“Public Building”** means a factory, warehouse, store, mill, school, hospital, theatre, public hall, office Building, and any Building other than a private dwelling house;

**“Security Alarm System”** means any one or more devices and the other interconnecting parts of a system installed on or in real property and designed to warn of criminal activity or unauthorized entry by activating an audible alarm signal and / or alerting a monitoring facility;

**“This Bylaw”** means Alarms Bylaw No. 1932, 2021.

## **Part 4 Alarms**

### **INSTALLATION AND MAINTENANCE OF ALARM SYSTEM(S)**

- 4.1 The Owner or Occupier of Premises where a security or Fire Alarm System is installed shall be responsible for the proper use, installation, maintenance, and operation of the system so as to prevent False Alarms.
- 4.2 The Owner or Occupier of a Hotel or Public Building where a Fire Alarm System is installed, whether required or voluntarily, shall install the Fire Alarm System in accordance with the requirements of the BC Building Code.
- 4.3 The Owner or Occupier of Premises must
  - (a) maintain fire alarm and voice communication systems in operable conditions at all times;
  - (b) ensure that fire alarm and voice communication systems are inspected and tested in conformance with the BC Fire Code and CAN/ULC-S536-M, "Inspection and Testing of Fire Alarm Systems" as amended from time to time; and
  - (c) keep records of all Fire Alarm System tests and have them available for examination by the Authority Having Jurisdiction if requested.

### **CONTACT INFORMATION**

- 4.4 The Owner or Occupier of Premises where a security or Fire Alarm System is installed and alerts a monitoring agency must ensure that the monitoring agency has current contact information for Property Representatives who are required to attend the Premises.
- 4.5 The Owner or Occupier of a Hotel or Public Building that has a Fire Alarm System or an automatic fire sprinkler system, non-monitored, shall post a sign displaying current twenty-four hour emergency contact phone numbers at the Building.
- 4.6 The location, size and content of the sign required by section 4.5 shall be in a format acceptable to the Authority Having Jurisdiction. Location preference is at the main entrance to the Building; it must be visible and easy to read; and lettering stroke must be a minimum of 25 mm on a contrasting background. The intent is to provide emergency contact names and numbers for persons able to respond to a phone call in an immediate manner.
- 4.7 The Owner or Occupier of Premises must provide a Property Representative to be available to attend the Premises, when an alarm has caused Protective Services to respond, within 15 minutes of being requested by the monitoring agency or Protective Services.

### **FALSE ALARMS**

- 4.8 The Owner or Occupier of Premises where a fire or Security Alarm System is installed is allowed one (1) False Alarm in a twelve (12) month period of time.
- 4.9 Each False Alarm, except as provided in Section 4.8, which generates a Protective Services response is a violation of This Bylaw.

- 4.10 A person who intentionally causes a False Alarm by, but not limited to, pulling a manual pull station at Premises where a Fire Alarm System is installed or activating a “hold up / panic” button on a Security Alarm System and thereby causes a Protective Services response, violates This Bylaw and commits an offence.

### **EXCESSIVE FALSE ALARMS**

- 4.11 An Owner or Occupier of a Premises, where excessive False Alarms have occurred, is in violation of This Bylaw for subsequent False Alarm(s).
- 4.12 If, in any twelve (12) month period, Protective Services respond to five or more False Alarms originating from one security or Fire Alarm System, a Peace Officer may cause notice to be sent to the Owner or Occupier of the Premises in which the security or Fire Alarm System is installed advising that the Police or Fire Department may elect not to respond or limit the type of response to subsequent alarms until sufficient evidence is provided that maintenance of the system has taken place to prevent further False Alarms.

### **EXCEPTIONS**

- 4.13 Sections 4.8 through 4.12 do not apply to Fire Alarm Systems or devices that are designed or intended to alert only the occupants of the dwelling unit in which they are installed.

## **Part 5 Offence and Penalty**

- 5.1 A person who violates a provision of This Bylaw, or who consents, allows or permits an act or thing to be done in violation of a provision of This Bylaw, or who neglects or refrains from doing anything required by a provision of This Bylaw, commits an offence and is liable, upon summary conviction, to a fine not exceeding \$10,000 and not less than \$2,500, and is liable to either or both of the minimum or maximum fine for each day that the offence continues.

## **Part 6 Effective Date**

- 6.1 This Bylaw shall come into full force and effect upon adoption.

READ A FIRST TIME by title and SECOND TIME by content this 22<sup>nd</sup> day of June, 2021.

READ A THIRD TIME by title this 22<sup>nd</sup> day of June, 2021.

ADOPTED this 13<sup>th</sup> day of July, 2021.

“Ron Toyota”  
Mayor Ron Toyota

“Kirsten Dunbar”  
Kirsten Dunbar, Corporate Officer