

**CITY OF VANCOUVER**

**SECURITY ALARM SYSTEM BY-LAW AMENDING BY-LAW NO. 8936**

## **SCHEDULE B**

### **SECURITY ALARM SYSTEM BY-LAW**

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#### SCHEDULE A - FEES

## BY-LAW NO. 8936

### A By-law amending Security Alarm System By-law No. 7111 to regulate the use and possession of security alarm systems

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. Council amends the Security Alarm System By-law by:
  - (a) deleting the preamble;
  - (b) amending the enactment clause to read:

“THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:”;
  - (c) re-numbering section 22 as section 42;
  - (d) deleting Schedule A, and substituting for it Schedule A attached to this By-law and entitled “Fees”; and
  - (e) inserting, before the By-law title, the table of contents attached to this By-law as Schedule B.
2. Council inserts into the Security Alarm System By-law the following as sections 1 to 41:

#### **“Name of By-law**

1. The name of this By-law, for citation, is the “Security Alarm System By-law”.

#### **Definitions**

2. In this By-law:

“alarm company” means a person selling, installing, maintaining, servicing, or monitoring a security alarm system;

“alarm co-ordinator” means the individual appointed pursuant under section 3 of this By-law;

“alarm incident” means the activation of a security alarm system, and the direct or indirect reporting of the activation to the Police Department;

“alarm permit” means a permit issued pursuant under section 8 of this By-law;

“alarm system inspection report” means a report on the operating condition of a security alarm system in a form approved by the Chief Constable and completed by an alarm service technician who is licensed as such under the *Private Investigators and Security Agencies Act* or successor Act;

“audible alarm system” means a security alarm system that, when activated, emits sound in or around the building, structure, or premises where it is located, and is not a monitored alarm system;

“Chief Constable” means the Chief Constable of the City of Vancouver or a designate of the Chief Constable;

“excessive false alarms” means the reporting to the Police Department of three or more false alarms within a 12 month period;

“false alarm” means an alarm incident where there is no evidence that a person has attempted or made an unauthorized entry on or into a building, structure, or premises or attempted to commit or committed unlawful act respecting a building, structure, or premises, and includes, without limitation:

- (a) the activation of a security alarm system during its testing;
- (b) a security alarm system activated by mechanical failure, malfunction, or faulty equipment;
- (c) a security alarm system activated by atmospheric conditions, vibrations, or power failure; and
- (d) a security alarm system activated by user error;

“guard service” means an “alarm service” or a “security patrol”, as those terms are defined in the *Private Investigators and Security Agencies Act* or successor Act, licensed to carry on business in the City of Vancouver;

“key holder reference” means a person designated by a permit holder whom an alarm company or the Police Department may contact in case of an alarm incident;

“monitored alarm system” means a security alarm system that, when activated, transmits a sound, signal, or message to an alarm company;

“permit holder” means the holder of an alarm permit or, in the case of a cancelled alarm permit, the person who held the alarm permit immediately prior to its cancellation;

“Police Board” means the Vancouver Police Board;

“Police Department” means the Vancouver Police Department; and

“security alarm system” means an assembly of mechanical or electrical devices designed or used for:

- (a) the detection of entry into or damage to a building, structure, or premises and which emits sound or transmits a sound, signal, or message when activated, but does not include a device installed in a “motor vehicle” or “motor home” as those terms are defined in the *Motor Vehicle Act*; or
- (b) the transmission of a manually activated emergency signal to an alarm company, but does not include a device designed to alert in case of a medical emergency.

#### **Appointment of alarm co-ordinator**

- 3. The Chief Constable must appoint an alarm co-ordinator to administer this By-law.

#### **Requirement for approval of security alarm system**

- 4. A person must not sell, possess, or use a security alarm system that the alarm co-ordinator has not approved.

#### **Requirement for alarm permit**

- 5. A person must not:
  - (a) install or place a security alarm system in a building, structure, or premises without first obtaining an alarm permit for such system under this By-law; or
  - (b) possess or use a security alarm system without holding an alarm permit for such system issued under this By-law.

#### **Application for alarm permit**

- 6. A person seeking permission to install, place, possess, or use a security alarm system must apply on the form provided for that purpose by the Chief Constable, must pay the fee set out in Schedule A, and must provide any additional information required by the Chief Constable.

#### **Information must be current**

- 7. The applicant must ensure that the information required by sections 6 and 15 is current, and must notify the Chief Constable or alarm co-ordinator promptly in writing of any changes in the information.

### **Issuance of alarm permit**

8. After considering an application under section 6, the Chief Constable may issue a permit authorizing installation, use, and possession of a security alarm system if the system complies with this By-law.

### **Name of permit holder**

9. The Chief Constable will issue an alarm permit only to the person occupying the building, structure, or premises containing the security alarm system, and that person must maintain the alarm permit in good standing. If that person ceases to occupy the building, structure, or premises, the alarm permit will have no further force or effect.

### **No assignment or transfer of alarm permit**

10. A permit holder must not assign or transfer an alarm permit.

### **Alarm permit term**

11. An alarm permit is valid for one year after its date of issuance unless cancelled under this By-law.

### **Affixation of label or decal**

12. If the Chief Constable issues with, or assigns to, an alarm permit a label or decal, the permit holder must affix it in a visible location on the outside of the building, structure, or premises.

### **Refusal to issue alarm permit**

13. The Chief Constable must refuse to issue an alarm permit if the Chief Constable has cancelled a previous alarm permit relating to the security alarm system under section 14, and has not reinstated that permit under section 33, except that the Chief Constable may issue an alarm permit if satisfied that the applicant is unrelated to the permit holder of the cancelled alarm permit.

### **Alarm permit cancellation**

14. The Chief Constable may cancel an alarm permit if:
- (a) the security alarm system causes excessive false alarms; or
  - (b) the permit holder has contravened a provision of this By-law.

### **Contacts in event of alarm incident**

15. Every person who obtains an alarm permit must inform the alarm co-ordinator, and any alarm company that monitors the alarm, in writing of the names, addresses, and telephone numbers of:

- (a) a guard service; or
- (b) at least three key holder references;

whom the Police Department may contact in the event of an alarm incident.

### **Criteria for key holder references**

16. The key holder references named under section 15 must be persons who are:

- (a) available to receive telephone calls from the alarm company or Police Department in the event of an alarm incident;
- (b) able to attend at the address of the alarm incident within 60 minutes of being requested to do so by the alarm company or Police Department;
- (c) capable of affording the Police Department access to the building, structure, or premises where the alarm incident is located; and
- (d) capable of operating the alarm system and able to safeguard the building, structure, or premises.

### **No police attendance if no alarm permit**

17. If the Police Department or other government authorized body receives notice of an alarm incident and the Chief Constable has not issued, or has cancelled, an alarm permit for the security alarm system, the Police Department may refuse to provide police attendance to the building, structure, or premises where the security alarm system is located.

### **Notice of alarm permit cancellation**

18. If the Chief Constable cancels an alarm permit, the Chief Constable must give written notice of the cancellation to the permit holder, and must give reasons for the cancellation. The Chief Constable may deliver the notice or send it by registered mail to the permit holder at the permit holder's address shown on the application for the alarm permit, and if the alarm system is a monitored alarm system, the Chief Constable must deliver a copy of the notice by ordinary mail or by facsimile to the person or company monitoring the security alarm system.

### **Appeal from refusal to issue or cancellation**

19. If the Chief Constable refuses to issue an alarm permit to any person or cancels an alarm permit issued to any person, such person, within 14 days after receiving notice of the refusal or cancellation, may appeal such decision to the Police Board by delivering to the Chief Constable written notice of the intention to appeal and the reasons for the appeal.

### **Delegation of hearing**

20. The Police Board may delegate the hearing of any appeal referred to in section 19 to one or more members of the Police Board, to be called an appeal panel, and the decision of the appeal panel will be deemed to be the decision of the Police Board.

### **Decision on appeal**

21. The decision of the Police Board, or an appeal panel, following a hearing on an appeal is to be final and binding and not subject to further appeal.

### **Suspension of cancellation pending appeal**

22. If a person appeals cancellation of an alarm permit under section 14, the Chief Constable must suspend cancellation of the alarm permit until the Police Board issues its decision, except that, if excessive false alarms occur during the appeal period, the Chief Constable may refuse to provide police attendance in response to alarm incidents originating from the building, structure, or premises.

### **No police attendance during alarm permit issuance appeal**

23. If the Chief Constable refuses to issue an alarm permit to any person, the Chief Constable may refuse to provide police attendance in response to alarm incidents reported from the alarm system in respect of which such person applied, until the Police Board issues its decision in respect of any appeal.

### **Use of automatic calling device prohibited**

24. A person must not use or operate, or allow the use or operation of, any automatic calling device to transmit messages concerning the report of an alarm incident to any telephone number assigned to the Police Department.

### **Five minute limit on audible alarms**

25. A person must not operate or use, or continue to operate or use, a security alarm system that, when activated, generates an audible continuous or intermittent sound for a period of greater than five minutes after the activation.

### **Excess alarms in 24 hour period**

26. A person must not operate or use, or continue to operate or use, a security alarm system that activates three or more false alarms within a 24 hour period of time.

### **Alarm company notification**

27. Before notifying the Police Department of an alarm incident originating from a monitored alarm system, an alarm company must contact, by telephone or other electronic means, in order to establish whether the incident is a false alarm:

- (a) the permit holder at the alarmed building, structure, or premises, or
- (b) if the permit holder is not available, one of the three key holder references.

### **Police Department notification**

28. When an alarm company notifies the Police Department of an alarm incident originating from a monitored alarm system, the alarm company must provide to the Police Department the name and telephone number of the permit holder or key holder reference contacted under section 27.

### **No police attendance if no alarm company notification**

29. If the Police Department or other government authorized body receives notice of an alarm incident and the alarm company has not complied with section 27, the Police Department may refuse to provide police attendance to the building, structure, or premises where the security alarm system is located.

### **Exception to alarm company notification**

30. Section 27 does not apply to an alarm system installed in a bank, trust company, or credit union, or any other alarm installation that requires Underwriter's Laboratories of Canada certification as Financial Type System, Level 1 to Level 4, or Commercial Type System, Level 1 to Level 4.

### **Alarm company monitoring records**

31. The Chief Constable, at any time, may require an alarm company to submit its monitoring records for any particular building, structure, or premises.

### **Alarm system inspection report**

32. The Chief Constable, at any time, may require a permit holder to submit an alarm system inspection report.

### **Alarm permit reinstatement**

33. If a permit holder who has a cancelled alarm permit applies for reinstatement of the alarm permit, pays the applicable fee set out in Schedule A, and submits an alarm system inspection report to the Chief Constable, the Chief Constable may reinstate the alarm permit and may impose conditions on such reinstatement.

### **Alarm system installation and services requirements**

34. An alarm company must not install or provide the services of a monitored alarm system to any person unless that person holds an alarm permit for the system.

### **Provision of alarm permit number**

35. When an alarm company reports an alarm incident to the Police Department, the alarm company, at the same time, must provide the Police Department with the number of the alarm permit for the system that the alarm incident activated.

### **Fees in arrears**

36. If the owner or occupier of real property fails to pay, when due, any fee under this By-law, the City may insert that fee in the real-property tax-roll as taxes in arrears in respect of that real property.

### **Schedules**

37. Schedule A attached to this By-law forms part of it.

### **Table of contents**

38. The table of contents is for convenience of reference only, and is not for use in interpreting or enforcing this By-law.

### **Offences against By-law**

39. Any person who:

- (a) violates any provision of this By-law;
- (b) suffers or permits any other person to violate any provision of this By-law;
- (c) neglects to do or refrains from doing anything required to be done by any provision of this By-law; or

(d) fails to comply with any order, direction, or notice given under this By-law;  
commits an offence against this By-law.

**Fines**

40. Every person who commits an offence against this By-law is punishable on conviction by a fine of not less than \$100.00 and not more than \$2,000.00 for each offence.

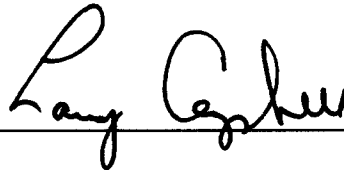
**Fines for continuing offence**

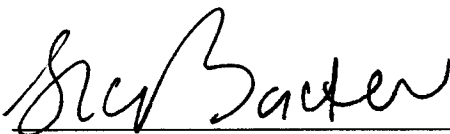
41. Every person who commits an offence of a continuing nature against this By-law is liable to a fine not exceeding \$50.00 for each day such offence is continued."

**Force and effect**

3. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this 19<sup>th</sup> day of October, 2004

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
City Clerk

## SCHEDULE A

### FEES

An applicant for an alarm permit or a permit holder must pay the following fees when the applicant or permit holder applies for issuance or reinstatement of an alarm permit:

|    | <u>Description of Premises</u>  | <u>Fee</u>       |
|----|---|------------------|
| 1. | Issuance of an alarm permit:  |                  |
| a. | Residential   | \$17.55 per year |
| b. | Small Business or Commercial (less than 140 square metres in floor area intended to be protected by the alarm system) | \$29.25 per year |
| c. | Large Business or Commercial (140 square metres or larger in floor area intended to be protected by the alarm system) | \$58.50 per year |
| 2. | Reinstatement of an alarm permit after the first occasion of cancellation:  |                  |
| a. | Residential   | \$75.00          |
| b. | Small Business or Commercial (less than 140 square metres in floor area intended to be protected by the alarm system) | \$125.00         |
| c. | Large Business or Commercial (140 square metres or larger in floor area intended to be protected by the alarm system) | \$250.00         |

3. Reinstatement of an alarm permit after the second and subsequent occasions of cancellation:

- a. Residential \$200.00
- b. Small Business or Commercial \$300.00  
(less than 140 square metres  
in floor area intended to be  
protected by the alarm system)
- c. Large Business or Commercial \$600.00  
(140 square metres or larger  
in floor area intended to be  
protected by the alarm system)

Upon completion of 12 consecutive months with zero alarm incidents reported to the Police Department, the permit status will revert back, and be subject to, Level One Reinstatement Fees.