

# CHERRY CREEK WATERWORKS DISTRICT

## BYLAW NO. 309

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A bylaw to reduce false alarms and regulate alarm systems in Cherry Creek Response Area.

The Trustees of the Cherry Creek Waterworks District ENACT AS FOLLOWS:

### 1. CITATION

- 1.1. This bylaw may be cited for all purposes as the “Cherry Creek Fire Department False Alarm Bylaw No. 309, 2024”.

### 2. DEFINITIONS

- 2.1. In this bylaw, words and phrases shall be construed as specified hereunder:

“**Alarm System**” means a Fire Alarm System, Security Alarm System or both;

“**Building**” means any structure or building used or intended to be used for the support, shelter or enclosure of persons, animals or chattels;

“**District**” means the improvement district known as “Cherry Creek Waterworks District”;

“**Fire**” includes a state, process or instance of combustion in which fuel or other material is ignited and releases heat or light, especially the exothermic oxidation of a combustible substance, whether or not accompanied by flame;

“**Fire Alarm System**” means any mechanical, electrical or electronic device which is installed in or on a Building and designed, intended or used for the detection of a Fire or for alerting others of a Fire, or both, and which emits a sound, visual alarm or transmits a message to a Monitoring Service but does not include a device which registers an alarm which is not audible, visible or perceptible outside the Building in which it is installed;

“**False Alarm**” means the activation of a Security Alarm System or Fire Alarm System as a result of which Members are dispatched, and the Members do not find any evidence of where there has been a Fire, an attempted or completed unauthorized entry or commission of an unlawful act on or in relation to the Building or where there has been no emergency situation. False Alarm incidents include but are not limited to:

- i. the testing of an Alarm System which results in attendance by a Member; exception: pre-scheduled tests
- ii. an Alarm System actually or apparently activated by mechanical failure, malfunction or faulty equipment;
- iii. an Alarm System activated by user error;

- iv. an Alarm System reporting a Fire, attempted or completed unauthorized entry or commission of an unlawful act or emergency situation or fire occurring on or in relation to the Building in which the alarm system is installed where there is no evidence such an event took place; and
- v. an Alarm System actually or apparently activated by atmospheric condition, excessive vibrations or power failure;

**“Fire Chief”** means the member appointed by the Board of Trustees for the Cherry Creek Waterworks District to be in command of the Fire Department;

**“Fire Department”** includes the fire department of the District and the fire department of any other protection district or municipal corporation attending Fires or False Alarms within the District;

**“Member”** means a person who holds a position within the Fire Department as an Officer or firefighter;

**“Monitoring Service”** means a person, partnership or company engaged in the business of monitoring Alarm Systems and reporting the occurrence of alarms to the Fire Department;

**“Officer”** means the Chief or a member who is appointed as an Officer within the Fire Department;

**“Security Alarm System”** means any mechanical, electrical or electronic device which is designed, intended or used for the detection of an unauthorized entry into a Building, or surrounding area, or for alerting others to the commission of an unlawful act, or both, and which emits a sound or transmits a message, or does both, but does not include:

- i. a device which registers an alarm which is not audible, visible, or perceptible outside the premises in which it is installed; or
- ii. a device which is installed in a motor vehicle; and

**“Service Area”** means the area within the boundaries of the District.

### 3. INTERPRETATION

3.1. In this bylaw, except as otherwise provided herein:

- a. references to statutes, regulations, bylaws or policies and to positions, titles, ministries or other corporate entities, includes the same as may be amended, supplemental or replaced from time to time;
- b. all references to a designated section or other subdivision or to a Schedule to this bylaw, is to the designated section or other subdivision of this bylaw or to a Schedule attached to this bylaw, unless otherwise specifically stated;
- c. the masculine includes the feminine and neuter genders and the plural includes the singular and vice versa and modifications to this bylaw may be made accordingly as the context requires;

- d. the headings used in this bylaw are for convenience and reference only and shall not affect the construction or interpretation of this bylaw; and
- e. any reference in this bylaw to federal and provincial legislation refers to the Act as it may amend or replace from time to time and to all regulations enacted thereto.

#### **4. RESPONSIBILITY OF OWNER AND MONITORING SERVICE**

- 4.1. The owner of a Building shall be responsible for the proper use, installation, maintenance, and operation of any Security Alarm System or Fire Alarm System on or in a Building in order to ensure the prevention of False Alarms.
- 4.2. The Monitoring Service or the owner of a Building must have a representative who is:
  - a. available to attend the Building where an alarm from an Alarm System has been activated within thirty minutes of being requested to do so by the Fire Department or Monitoring Service; and
  - b. capable of operating the Alarm System and able to safeguard the Building.

#### **5. OFFENCES AND PENALTIES**

- 5.1. If in any 12-month period the Fire Department responds to more than three False Alarms originating from one Alarm System, there shall be imposed on the owner of the Building in which the Alarm System is installed a fine of \$200.00 for the fourth and each subsequent False Alarm.
- 5.2. In any case where a representative of the Monitoring Service or the owner of a Building fails to attend the Building where an alarm from an Alarm System has been activated within thirty minutes of being requested to do so by the Fire Department or the Monitoring Service, there shall be imposed upon the owner of the Building at which the False Alarm incident occurred, a fine of an additional \$200.00 for each incident.
- 5.3. Any fines imposed under this bylaw shall be due and payable within 90 days of invoice, and if not paid, shall be added to and form part of the parcel taxes.
- 5.4. The owner of a Building may appeal the determination that an alarm was false by submitting a notice in writing to the Fire Chief within 10 days of being notified of the determination of a False Alarm. The Fire Chief may:
  - a. attempt to resolve the appeal informally with the owner;
  - b. receive written or oral submissions from the owner and occupier and shall determine whether the alarm was false;
  - c. review the situation, any determination by the Fire Chief under this section of whether an alarm was false shall be final and conclusive for all purposes; and
  - d. delegate his or her responsibility under this section to another Officer.

- 5.5. Each day that a violation continues to exist is deemed to be a separate offence against this bylaw.
- 5.6. Every person who violates any of the provisions of this bylaw, or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this bylaw, or who does any act or thing or omits an act or thing thus violating any of the provisions in this bylaw shall be deemed to have committed an offence, and upon a summary conviction is liable to a penalty in accordance with the *Offence Act (B.C.)*.

## 6. COST RECOVERY

- 6.1. In the event that Members cause forced entry to the Building due to a False Alarm, all costs incurred to secure the Building will be imposed on the owner of the Building.

## 7. SEVERABILITY

- 7.1. If a court of competent jurisdiction declares any part of this bylaw invalid, then the invalid portion must be severed, and the remainder of this bylaw is deemed valid.

## 8. SCOPE

- 8.1. In the event the terms and provisions of this bylaw and the terms and provisions of any other legislation are applicable to the same matter, the terms and provisions that are more restrictive or stringent shall be applicable.

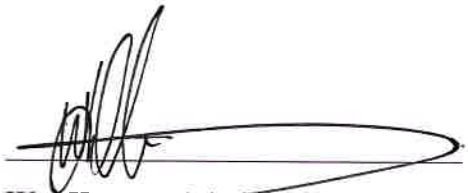
INTRODUCED and given first reading by the Trustees on the 19<sup>th</sup> day of June 2024.

RECONSIDERED and finally passed by the Trustees on the 19<sup>th</sup> day of June 2024.

I hereby certify under the seal of Cherry Creek Waterworks District that this is a true copy of Bylaw No. 309 of Cherry Creek Waterworks District, passed by the Trustees on the 19<sup>th</sup> day of June 2024.



Dana Forrester, Chair of the Trustees



Wes Kovacs, Administrator