

NO: **R229**

COUNCIL DATE: **December 2, 2019**

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## REGULAR COUNCIL

TO: **Mayor & Council**

DATE: **December 2, 2019**

FROM: **Fire Chief  
General Manager, Corporate Services**

FILE: **3900-20**

SUBJECT: ***Amendments to Surrey Security and Fire Alarm By-law, 1997, No. 13168***

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## RECOMMENDATION

The Surrey Fire Service and the Corporate Services Department recommend that Council:

1. Receive this report for information;
2. Approve amendments to *Surrey Security and Fire Alarm By-law, 1997, No. 13168* as amended (the “Fire Alarm Bylaw”), and as documented in Appendix “I” of this report to allow the Surrey Fire Service (the “SFS”) to have the authority to manage the issuance of invoices to the owner of a property, if the SFS responds to a false fire alarm at that property; and
3. Authorize the City Clerk to bring forward the necessary amendment bylaw for the required readings.

## INTENT

The purpose of this report is to obtain Council’s approval to amend the Fire Alarm Bylaw. Currently, the SFS manages all aspects of fire false alarm processing (response, tracking and disputes) with the exception of the invoicing and collection, which is completed by the Bylaw Services Division. By amending the bylaw, we are streamlining the entire process to the sole responsibility of the SFS for efficiency. This change also allows for the SFS to reflect fire department false alarm cost recovery rates in the related fees, which will be brought forward by the Finance Department in the fee setting bylaw.

## BACKGROUND

False fire alarms adversely impact the SFS as it reduces the availability of resources to respond to emergencies. To this end, when the SFS arrives on scene due to a false fire alarm, firefighters must investigate to ensure there is no fire, which takes time and resources. While firefighters are attending a false fire alarm, they cannot be deployed to other incidents, which may ultimately impact the health and safety of all Surrey residents.

In 1997, Council adopted the Fire Alarm Bylaw, which imposed mandatory fees for each false fire alarm at a property at which the SFS attends

Invoicing property owners for false fire alarms is intended to recover the costs of the SFS attending these types of calls. Cost recovery from the SFS also has the effect of motivating property owners to ensure that their fire alarm systems are serviced, maintained, and in proper working order. A properly functioning fire alarm system is crucial in ensuring the health and safety of residents.

## **DISCUSSION**

Currently the SFS manages almost all elements of the false fire alarm process including responding to the false fire alarm incidents, generating the list of false fire alarms to be invoiced, and handling all the invoice disputes. The False Alarm Bylaw does not currently give the Fire Chief the ability to directly issue invoices to property owners for false fire alarms. Based on the current language of the False Alarm Bylaw, those invoices are required to be issued through the Bylaw Services Division, which creates additional unnecessary steps.

The SFS currently has a robust invoicing system for fees generated under the *Surrey Fire Service By-law, 1990, No. 10771* that could effectively manage the invoicing of false fire alarms. The proposed amendment will allow the SFS to manage the entire process of cost recovery invoicing for SFS response to false fire alarms.

The proposed False Alarm Bylaw, as documented in Appendix "I", will provide the Fire Chief with a means to manage the complete administrative process as it relates to the cost recovery invoicing of false fire alarm incidents. By bringing all administrative processing of false fire alarm invoices into one department, the amendments will create efficiencies through reduced processing time for invoices and their disputes. A summary of the proposed amendments to the False Alarm Bylaw are shown in Appendix "II".

A new Fire False Alarm fee will be established and included in the *Surrey Fee Setting By-law No. 14577*, to be brought forward by the Finance Department.

### **Legal Services and Finance Department Review**

The Legal Services Division and the Finance Department have reviewed this report and have no concerns.

## **SUSTAINABILITY CONSIDERATIONS**

The work of this report supports the objectives of the City's Sustainability Charter 2.0. In particular, this work relates to Sustainability Charter 2.0 theme of Public Safety. Specifically, the proposed bylaw amendments support the following Desired Outcomes ("DO") and Strategic Directions ("SD").

- Community Safety and Emergency Services DO2: Police and fire services provide timely and reliable responses across the city; and
- Community Safety and Emergency Services SD2: Increase community engagement and mobilization in order to enhance personal and public safety.

## CONCLUSION

Cost recovery for Surrey Fire Service attendance at false fire alarms has been a long standing and successful approach to dealing with this impact. The proposed amendments to the *Surrey Security and Fire Alarm By-law, 1997, No. 13168* provide the SFS authority to directly manage the false alarm invoicing in a manner that better supports the cost recovery process.

Larry Thomas  
Fire Chief

Rob Costanzo  
General Manager, Corporate Services

Appendix "I" – Proposed to *Surrey Security and Fire Alarm By-Law, 1997, No. 13168*

Appendix "II" – Summary of Proposed Revisions *Surrey Security and Fire Alarm By-Law, 1997, No. 13168*

## APPENDIX "I"

### Proposed Amendments to *Surrey Security and Fire Alarm By-Law, 1997, No. 13168*

*Surrey Security and Fire Alarm By-Law, 1997, No. 13168*, as amended, be further amended as follows:

1. By adding the following new definition for Fire Chief in Section 2, immediately after the definition of "False Alarm":  
  
"Fire Chief"  
  
means the person appointed by the City to be the head of its fire services or such person's authorized delegate;
2. By deleting the existing Section 6(1) and replacing it with the following new Section 6(1):
  - (1) The Chief By-law Officer may invoice the owner of property containing the Alarm System, if the Police Department responds to a False Alarm from that Alarm System.
3. By adding the following new Section 6(1.a) immediately after Section 6(1):
  - (1.a) The Fire Chief may invoice the owner of property containing the Alarm System, if the Fire Department responds to a False Alarm from that Alarm System.
4. By deleting the existing Section 6(2) and replacing it with the following new Section 6(2):
  - (2) The invoice given under subsection (1) or (1.a) must inform the owner:
    - (a) of the occurrence of the False Alarm; and
    - (b) of the provisions of subsections (3), (5) and (6).
5. By deleting the existing Section 6(3) and replacing it with the following new Section 6(3):
  - (3) The owner of the Alarm System must pay to the City a fee for each False Alarm as specified in *Surrey Fee-Setting By-Law, 2001, No. 14577*, as may be amended or replaced from time to time.
6. By deleting the existing Section 6(6) and replacing it with the following new Section 6(6):
  - (6) If the fees imposed under subsection (3) are unpaid on December 31 of the calendar year in which they are imposed, they must be added to and form part of the property taxes payable as taxes in arrears on the property to which the fees apply.

CITY OF SURREY

BY-LAW NO. 13168

SURREY SECURITY AND FIRE ALARM BY-LAW, 1997

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As amended by By-law No. 14452, 07/30/01; 16208, 01/15/07; 16529, 01/14/08; 16856, 01/19/09; 17079, 12/14/09; 17322, 01/10/11; 17566, 02/06/12; 17842, 12/17/12; 18135, 01/13/14; 18357, 01/12/15; 18589, 12/14/15; 18981, 12/19/16; 19427, 12/18/17; 19553, 04/23/18

THIS IS A CONSOLIDATED BY-LAW PREPARED BY THE CITY OF SURREY FOR CONVENIENCE ONLY. THE CITY DOES NOT WARRANT THAT THE INFORMATION CONTAINED IN THIS CONSOLIDATION IS CURRENT. IT IS THE RESPONSIBILITY OF THE PERSON USING THIS CONSOLIDATION TO ENSURE THAT IT ACCURATELY REFLECTS CURRENT BY-LAW PROVISIONS.

- (a) WHEREAS there are excessive numbers of false alarms from security and fire alarm systems which are costly to attend to;
- (b) AND WHEREAS there is a resultant threat to the safety of the Police, Fire Departments and the public when emergency responses are provided for false alarms; and
- (c) AND WHEREAS there is a resultant danger to public safety when police responses to true emergencies are delayed.

Under its statutory powers, including sections 679, 724 and 726(1) of the *Municipal Act*, R.S.B.C. 1996, c.323, as amended, the Council of the City of Surrey enacts the following provisions:

INTENT OF BY-LAW

- (a) to establish fees for Police Force or Fire Department responses to false alarms.

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**Part 1**  
**Introductory Provisions**

**Title**

- 1. This By-law may be cited as the "Surrey Security and Fire Alarm By-law, 1997, No. 13168."

**Definitions**

- 2. In this By-law,

"Alarm Business"

means a person who is engaged in the business of selling, installing, maintaining, servicing and monitoring Alarm Systems and reporting the occurrence of alarms to the Police Department or the Fire Department.

"Alarm System"

- (a) means any mechanical, electrical, or electronic device that
  - (i) is designed, intended or used for the detection of an unauthorized entry into property or for alerting others to the commission of an unlawful act or emergency situation, including potential for fire or smoke damage, to which the Police Department or Fire Department is or could reasonably be expected to respond; and
  - (ii) emits a sound or transmits a message, or does both; but

- (b) excludes a device that
  - (i) registers an alarm that is not audible, visible or otherwise perceptible outside of the property containing that device, or
  - (ii) is installed in a motor vehicle or motor home as those terms are defined in the *Motor Vehicle Act*, as amended; or
  - (iii) a personal panic, hold-up and financial institution alarm.

"Chief By-law Officer"

means the Manager of Licensing and By-law Enforcement Officer or his/her designate;

"False Alarm"

- (a) means the activation of an Alarm System resulting in the direct or indirect notification of the Police or Fire Department and their actual attendance at the address of the Alarm System where there is no evidence of
  - (i) an unauthorized entry or the commission of an unlawful act on or in relation to the property protected by the Alarm System, or
  - (ii) smoke damage or any other visible sign of fire or
  - (iii) an emergency situation; and
- (b) includes, but is not limited to:
  - (i) the testing of an alarm that results in a Police Department or Fire Department response;
  - (ii) an alarm that is actually or apparently activated by mechanical failure, malfunction or faulty equipment;
  - (iii) an alarm that is activated by user error;
  - (iv) an alarm that is actually or apparently activated by atmospheric conditions, excessive vibrations, or power failures;

"Fire Chief"

means the person appointed by the City to be the head of its fire services or such person's authorized delegate;

"Police Department"

means the Royal Canadian Mounted Police, Surrey Detachment;

"property"

means real property.

## **Part 2 Alarm Systems Registry**

### **Registry**

3. (1) A person may register an Alarm System by providing the following information to the Chief By-law Officer.
  - (a) the type of Alarm System used;
  - (b) the name, address and telephone number of the applicant and the owner of the property that contains the Alarm System;
  - (c) the address of the property that contains the Alarm System;
  - (d) the name and telephone number of property references to verify alarms, permit entry, operate the Alarm System and secure the Premises.

## **Part 3 Use of Alarm Systems**

### **General Provisions for Alarm Operation Inspection and Use**

4. (1) A person must not sound, or cause, permit or suffer the sounding of an alarm from the Alarm System in violation of the Surrey Noise By-law for more than five (5) minutes after activation, unless the alarm is from an Alarm System designed or intended to be used for the detection of smoke or fire damage in which case the violation shall not exceed twenty (20) minutes after activation.
  - (2) No person shall use or operate or permit the use or operation of any automatic calling device to transmit messages concerning the report of an alarm to any telephone number assigned to the Police Department, Fire Department or enhanced 911 emergency response system.

### **Monitoring Alarm Systems and Reporting to Police**

5. (1) Before notifying the Police Department of an alarm received from an Alarm System monitored by an Alarm Business, that Alarm Business must attempt to verify and establish if the alarm is a false alarm by attempting to contact a person who is located at the property containing the Alarm System unless the alarm is from an Alarm System designed or intended to be used for the detection of smoke or fire damage.



- (2) When notifying the Police Department or Fire Department of the activation of an Alarm System, an Alarm Business must
  - (a) provide to the Police Department or Fire Department
    - (i) all information that is available to the Alarm Business about the property containing the Alarm System; and
    - (ii) specific details about the activation of the Alarm System; and
  - (b) notify a person who is capable of giving access to the property containing the Alarm System to go there and assist the police.
- (3) An Alarm Business must give the notice described in subsection 5 (2)(b) if that is requested by the Police Department or Fire Department, as the case may be, when after responding to the activation of an Alarm System, they find evidence
  - (a) of an unlawful act, unauthorized entry, fire, presence of smoke or emergency situation at the property containing the Alarm System, or
  - (b) that the property containing the Alarm System is insecure.

#### **Fees for Attendance at False Alarms**

6. (1) The Chief By-law Officer may invoice the owner of property containing the Alarm System, if the Police Department ~~or Fire Department~~ responds to a False Alarm from that Alarm System.
  - (1.a) ~~The Fire Chief may invoice the owner of property containing the Alarm System, if the Fire Department responds to a False Alarm from that Alarm System.~~
  - (2) The invoice given under subsection (1) ~~or (1.a)~~ must inform the owner:
    - (a) of the occurrence of the False Alarm; and
    - (b) ~~of the provisions of subsections (3), (4), (5), and (6) of the provisions of subsections (3), (5) and (6).~~
  - (3) The owner of the Alarm System must pay to the City a fee for each False Alarm as specified in *Surrey Fee-Setting By-law, 2001, No. 14577, as may be amended or replaced from time to time.*
  - (4) Deleted by Bylaw No. 19427
  - (5) An invoice issued under this section will be due and payable upon receipt.
  - ~~(6)~~ If the fees imposed under subsection (3) ~~and (4)~~ are unpaid on December 31 of the calendar year in which they are imposed, they must be added to and form part of the property taxes payable as taxes in arrears on the property to which the fees apply.

**Part 4**  
**General Provision**

**Offences and Penalties**

7. A person who violates a provision of this By-law commits an offence and is subject to the penalties imposed by this By-law and the *Offence Act* (B.C.).
8. The minimum penalty for a violation of a provision of this By-law is a fine of \$75.00.
9. **Deleted, B/L 14452, 07/30/01**
10. **Deleted, B/L 14452, 07/30/01**
11. **Deleted, B/L 14452, 07/30/01**

PASSED THREE READINGS on the 23rd day of June, 1997.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 30th day of June, 1997.

"D. W. MC CALLUM" MAYOR

"DONNA B. KENNY" CLERK

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