

**WESTBANK FIRST NATION
FALSE ALARM LAW NO. 2008-05**

WHEREAS Westbank First Nation deems it advisable and in the best interest of Westbank First Nation to enact a Law to provide for the safety of members and peace officer, and the maintenance of public order;

AND 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 Westbank First Nation Council has determined that Excessive False Alarms originating from security Alarm Systems constitute a nuisance to the police and to the Members and Non-Members living on Westbank Lands;

NOW THEREFORE the Westbank First Nation Council enacts the following law:

1. TITLE

1.1 This Law may be cited as the "*WFN False Alarm Law No. 2008-05*".

2. DEFINITIONS

2.1 In this Law, unless their context otherwise requires:

"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 Council to administer the provisions of this Law;

"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 WFN Law Enforcement Officer that an Alarm System has been installed and is in use, and the registration of that system pursuant to section 4 of this Law;

"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;

“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;

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

“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;

“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;

“Constitution” means the Westbank First Nation Constitution;

“Council” means the governing body of Westbank elected pursuant to the Westbank First Nation Constitution;

“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 one year period;

“Enforcement Notice” means an enforcement notice issued pursuant to the *WFN Notice Enforcement Law No. 2008-02*, as amended or replaced from time to time;

“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;

“**Occupant**” means a person who is legally entitled to occupy or simply occupies a parcel of land, building, dwelling, or premises within Westbank lands as defined in the WFN Constitution;

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

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

“**RCMP**” means a member of the local detachment of the Royal Canadian Mounted Police responsible for policing Westbank Lands, or any delegate;

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

“**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;

“**Westbank**” or “**WFN**” means the Westbank First Nation as defined in the *Westbank First Nation Constitution*;

“**WFN Law Enforcement Officer**” means the person or persons appointed by Council, from time to time, to administer and enforce the provisions of Westbank Laws enacted by Council, and includes any delegate or any Peace Officer.

2.2 Unless otherwise provided in this Law, words, expressions and rules of construction have the same meaning as in the Westbank First Nation Constitution.

3. ALARM SYSTEMS

3.1 All Alarm Systems must be installed to meet all applicable WFN, federal and provincial

codes, standards and regulations.

- 3.2 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.
- 3.3 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".
- 3.4 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 the form established by Council, from time to time.
- 3.5 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.
- 3.6 No Person shall install, maintain, or use a Local Alarm that is capable of displaying intrusion warning lights continually for a period of more than five (5) minutes.
- 3.7 Where a premise contains both a Local Alarm and a Monitored Alarm System, the provisions of this Law relating to a Monitored Alarm System shall apply.
- 3.8 To prevent a False Alarm, testing of an Alarm System is permitted only when the Alarm System is placed "out of service" during testing or maintenance.

4. REGISTRATION

- 4.1 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.
- 4.2 An occupant 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 occupant'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.
- 4.3 All ATM's must be registered separately from any other Alarm System at an Alarm Site.
- 4.4 All applications for registration shall be accompanied by the applicable fee as set out in the form established by Council, from time to time. 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.
- 4.5 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 the form established by Council, from time to time;

- (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.

4.6 Every Alarm Registration application must be submitted in the form established by Council, from time to time, 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 Law;
- (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 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.

- 4.7 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.
- 4.8 An Alarm Registration cannot be transferred to another Person or Alarm Site.
- 4.9 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.
- 4.10 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 the form established by Council, from time to time, to the Alarm Coordinator. The Alarm Coordinator shall make reasonable efforts 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 the form established by Council, from time to time, 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.

5. RESPONSES TO ALARMS

- 5.1 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.
- 5.2 Section 5.1 of this Law does not apply to a Hold Up Alarm signal of a Monitored Alarm System.
- 5.3 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.
- 5.4 In the event that a Person monitoring a Monitored Alarm System is unable to notify a Keyholder pursuant to section 5.3 of this Law 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.
- 5.5 When the RCMP have been called to respond to an alarm from an Alarm System which is not registered pursuant to this Law, the Alarm User responsible for that Alarm System shall pay the applicable fee as set out in the form established by Council, from time to time.

6. FALSE ALARMS

- 6.1 For every occurrence of an Excessive False Alarm to which the RCMP have responded,

the Alarm User shall pay the applicable fee as outlined in the form established by Council, from time to time, upon receipt of an Enforcement Notice.

- 6.2 For every occurrence of a false Hold Up Alarm to which the RCMP have responded, the Alarm User shall pay the applicable fee as outlined in the form established by Council, from time to time, upon receipt of an Enforcement Notice.
- 6.3 The following shall not be included in the determination of an Excessive False Alarm if:
- (a) the Alarm User can demonstrate that the False Alarm was caused by a storm, lightning, fire, earthquake, or other act of God;
 - (b) a Cancellation has occurred prior to Police arrival and within five minutes from the time of the dispatch to RCMP patrol unit;
 - (c) the False Alarm was caused by a communication network disruption beyond the control of the Alarm User; or
 - (d) any False Alarm that occurs during the first seven (7) days after the initial installation of an Alarm System.

7. NOTIFICATION OF EXCESSIVE FALSE ALARMS

- 7.1 The Alarm Coordinator shall warn the Alarm User by notification in writing after the second False Alarm, or after the first False Alarm involving a Hold Up Alarm. The warning by written notification shall include the penalties for Excessive False Alarms in a one year period, and the fact that response will be suspended in accordance with this Law. The notification will also provide a description of the appeal procedure available to the Alarm User.
- 7.2 The Alarm Coordinator shall notify the Alarm User and the Monitoring Company in writing that alarm response has been suspended if Excessive False Alarms have been established in accordance with this Law. The notification of suspension shall include the penalties for Excessive False Alarms and a description of the appeal procedure available to the Alarm User and the Alarm Company.
- 7.3 All notifications shall be served personally or by registered letter on the Alarm User.
- 7.4 The Monitoring Alarm Company shall be notified by sending the notice electronically or by facsimile, or shall be served or sent by registered mail to the Monitoring Alarm Company's business address.

8. SUSPENSION OF REGISTRATION AND RESPONSE

- 8.1 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 Excessive False Alarms as defined in this Law in a one year period; 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 Law. In the case of a penalty incurred for an Excessive False Alarm. or a fee incurred for an RCMP Dispatch Request to an Alarm

System that has not been registered pursuant to this Law, timely payment for the purposes of this section shall be within fifteen (15) days from the date of service of the fee or penalty 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;
 - (e) if upon reinstatement of registration there are two (2) False Alarms in the next sixty (60) days; or
 - (f) if the RCMP notify the Alarm Coordinator of abuse of the registration and response system set up pursuant to this Law by the Alarm User (which may include, but is not necessarily limited to, attempting to circumvent registration procedures, alarm response procedures, and the like).
- 8.2 A Person violates the provisions of this Law if he/she 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 fees and penalties as set out in the form established by Council, from time to time. A Monitoring Alarm Company violates the provisions of this Law 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 fees and penalties as set out in the form established by Council, from time to time.
- 8.3 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.
- 8.4 If an Alarm Registration is reinstated pursuant to the provisions of this Law, the Alarm Coordinator may re-suspend the Alarm Registration if two (2) False Alarms occur within sixty (60) days after the reinstatement date.

9. REINSTATEMENT OF REGISTRATION AND RESPONSE

- 9.1 An Alarm User whose Alarm Registration has been suspended may have the registration, and thereby automatic Police Response, reinstated by the Alarm Coordinator, 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 established by Council, from time to time, 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 and penalties, plus the reinstatement fee, as set out in the form established by Council, from time to time.

10. APPEAL

- 10.1 The decision of an Alarm Coordinator to deny the issuance or renewal of an Alarm Registration, or to suspend the registration, may be disputed within the time limit for

applications, and in accordance with the WFN Dispute Adjudication Law but only on one or more of the following grounds:

- (a) a party has new and relevant evidence that was not available at the time the application for reinstatement was completed; and/or
- (b) a party has evidence that the Alarm Coordinator's decision was obtained by fraud.

10.2 The WFN Law Enforcement Officer must designate an Adjudicator to consider the appeal.

10.3 An Alarm User may make an application under this section only once in respect of the Alarm Coordinator's decision.

11. DUTIES OF ALARM COMPANIES

11.1 Every Alarm Company shall be responsible to make all employees or contractors aware of the provisions of this Law, and to provide current, accurate information to the Alarm Coordinator as required by the provisions of this Law.

11.2 Upon completion of an installation, or following any inspection of an Alarm System pursuant to this Law, the Alarm Company shall:

- (a) offer a training period to customers upon installation of alarm;
- (b) complete the Installer False Alarm Prevention Program Checklist, as set out in the form established by Council, from time to time;
- (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 the form established by Council, from time to time;
- (d) review with the Alarm User the Customer False Alarm Prevention Checklist, as set out in the form established by Council, from time to time; and
- (e) complete, when applicable, the Alarm Systems Inspection Report, as set out in the form established by Council, from time to time.

11.3 An Alarm Company performing Monitoring services will:

- (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 Hold Up 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) Monitoring Alarm Companies must maintain 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.
- 11.4 A Monitoring Alarm Company which demonstrates a consistent pattern of failing to Verify in accordance with section 11.3 (b) of this Law, shall be assessed the applicable fee or penalty as set out in the form established by Council, from time to time.
- 11.5 An Alarm Company whose representative or 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 or penalty as set out in the form established by Council, from time to time.
- 11.6 Every Alarm Company shall maintain all records as required by the Alarm Coordinator in accordance with this Law, and shall submit those records to the Alarm Coordinator as required and as permitted by law.

12. DUTIES OF THE ALARM COORDINATOR

- 12.1 The Alarm Coordinator will:
- (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.
- 12.2 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.
- 12.3 The Alarm Coordinator shall collect all applicable fees and receive applications for Alarm Registration.

13. DUTIES OF THE ALARM USER

13.1 An Alarm User will:

- (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.

13.2 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 .

13.3 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 the form established by Council, from time to time, after a warning of Excessive False Alarms in accordance with section 7. has been issued. 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 a warning of Excessive False Alarms, 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.

13.4 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 in accordance with this Law.

14. GENERAL

14.1 Administration of this Law is the responsibility of the RCMP or the Alarm Coordinator, or both.

14.2 Registration of an Alarm System is not intended to, nor will it create a contract, duty or obligation, either expressed or implied, of response.

15. APPLICATION OF LAW

15.1 Where any federal Act or regulation or provincial Act or regulation or any other Westbank Law may apply to any matter covered by this Law, compliance with this Law

will not relieve the person from also complying with the provisions of the other applicable Act, regulation or law.

- 15.2 If any section of this Law is for any reason held invalid by a decision of a court of competent jurisdiction, the invalid section or subsection will be severed from and not affect the remaining provisions of this Law.
- 15.3 The headings given to the sections and paragraphs in this Law are for convenience of reference only. They do not form part of this Law and will not be used in the interpretation of this Law.
- 15.4 Unless otherwise noted, any specific statute named in this Law is a reference to a statute of British Columbia and the regulation thereto, as amended, revised, consolidated or replaced from time to time, and any Law referred to herein is a reference to a law of Westbank, as amended, revised, consolidated or replaced from time to time.

16. FORMS, FEES AND PROCEDURES

- 16.1 Council may, by resolution at a duly convened meeting, establish, correct, revise or update the terms of any applicable fee in the form established by Council, from time to time, forms, protocols or other related documentation which complement and support this Law, and will post notice of same in a public area of the WFN administration building and make a copy of same available for viewing free of charge at the administrative offices of Westbank and available for distribution at a nominal charge.
- 16.2 Any fees required to be paid pursuant to this Law which remain unpaid at December 31st of the year in which they are imposed, shall be added to and form part of the taxes in arrears on the subject property.

17. OFFENCES

- 17.1 No Person shall obstruct, interfere with or hinder Council or any authorized employee, officer, or agent in the carrying out of their duties and responsibilities under this Law.
- 17.2 Any Person who violates any of the provisions of this Law or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this Law, or who neglects to do or refrains from doing any act or thing required by any of the provisions of this Law, is guilty of an offence under this Law, and is liable to the penalties imposed by this Law.
- 17.3 Each day a violation of this Law continues will be deemed to be a separate offence for which a fine or imprisonment may be imposed.
- 17.4 Any Person who is guilty of an offence under this Law is liable, on summary conviction to a fine of not more than One Thousand Dollars (\$1,000.00) or to a term of imprisonment not exceeding thirty (30) days, or both.
- 17.5 A Person who gives false or misleading information under this Law, including the in the form established by Council, from time to times and forms, commits an offence and is liable, on conviction, to a fine of not more than \$1,000.00.

17.6 Every Person who:

- (a) violates any provision of this Law;
- (b) permits any act or things to be done in contravention or in violation of any of the provisions of this Law;
- (c) neglects to do or refrains from doing anything required to be done by any of the provisions of this Law;
- (d) fails to comply with any order, direction, or notice given under this Law;

commits an offence and is liable, on conviction, to a fine of not more than \$1,000.00.

18. IMMUNITY

18.1 No action for damages lies or may be instituted against present or past Council or members, employees, servants or agents of either Westbank or Council:

- (a) for anything said or done or omitted to be said or done by that person in the performance or intended performance of the person's duty or the exercise of the person's authority; or
- (b) for any alleged neglect or default in the performance or intended performance of the person's duty or the exercise of the person's authority.

18.2 Section 18.1 does not provide a defence if:

- (a) Council, members, employees, servants or agents have, in relation to the conduct that is the subject matter of the action, been guilty of dishonesty, gross negligence or malicious or willful misconduct; or
- (b) the cause of action is libel or slander.

18.3 Westbank, present or past Council, or members, employees, servants or agents of any of Westbank or Council is not liable for any damages or other loss, including economic loss, sustained by any person, or to the property of any person, as a result of neglect or failure, for any reason, to discover or detect any contravention of this Law or any other Westbank Law, or from the neglect or failure, for any reason or in any manner, to enforce this Law or any other Westbank Law.

18.4 All actions against Westbank for the unlawful doing of anything that:

- (a) is purported to have been done by Westbank under the powers conferred by this Law or any Westbank Law, and
- (b) might have been lawfully done by Westbank if acting in the manner established by law,

must be commenced within six (6) months after the cause of action first arose, or within a further period designated by Council in a particular case, but not afterwards.

18.5 Westbank is in no case liable for damages unless notice in writing, setting out the time, place and manner in which the damage has been sustained, is delivered to Westbank, within two (2) months from the date on which the damage was sustained. In case of the death of a person injured, the failure to give notice required by this section is not a bar to the maintenance of the action. Failure to give the notice or its insufficiency is not a bar to the maintenance of an action if the court before whom it is tried, or, in case of appeal, the Court of Appeal, believes:

(a) there was reasonable excuse, and

(b) Westbank has not been prejudiced in its defence by the failure or insufficiency.

BE IT KNOWN that this law entitled, "*WFN False Alarm No. 2008-05*" is hereby:

Read a first time by Council of Westbank First Nation at a duly convened meeting held on the 12th day of May, 2008;


Presented to the Membership at a Special Membership Meeting held on the 12th day of June, 2008;

Read a second time by Council of Westbank First Nation at a duly convened meeting held on the 23rd day of June, 2008;

Read a third time and enacted by Council of Westbank First Nation at a duly convened meeting held on the 7th day of July, 2008;

Signed by the following Members of Council:


Chief Robert Louie


Councillor Michael De Guevara


Councillor Brian Eli


Councillor Loretta Swite


Councillor Larry Derrickson