

**TOWN OF CHESTERMERE**

**PROVINCE OF ALBERTA**

**BYLAW # 008-11**

BEING A BYLAW OF THE TOWN OF CHESTERMERE IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF REDUCING FALSE ALARMS.

**WHEREAS** the Municipal Government Act provides that Council may pass bylaws for municipal purposes respecting the safety, health and welfare of people; the protection of people and property; nuisances; services provided by or on behalf of the municipality; public utilities; and the enforcement of bylaws;

**AND WHEREAS** excessive numbers of false alarms are being permitted to occur by the owners or users of alarm systems;

**AND WHEREAS** these false alarms require emergency responses from Police and Fire Services that pose a threat to the safety of Police and Fire Service members and members of the public by creating unnecessary hazards and delaying the Police and Fire Services response to true emergencies.

**NOW THEREFORE**, the Municipal Council of the Town of Chestermere, Alberta, duly assembled, hereby enacts as follows:

**1. TITLE**

(1) This Bylaw may be cited as the "**Alarm Services Bylaw**".

**2. INTERPRETATION**

In this Bylaw, except where otherwise defined:

(a) "Alarm System" includes a device or devices designated to activate an alarm signal;

(b) "Alarm Signal" means a telephone request, or any other signal requesting emergency services;

(c) "CAO" means the Chief Administrative Officer of Chestermere, Alberta appointed by Council, or his designate;



(d) "Emergency Services" means the Town of Chestermere Fire Department and its members, and the Police service of jurisdiction and its members;

(e) "False Alarm" means the activation of an alarm system as a result of which Emergency Services are provided on behalf of the Town and the providers of the service do not find any unauthorized entry or commission of an unlawful act or any evidence of fire, fire damage, smoke in relation to the building, structure, residence or facility, or where there has been no emergency situation. False alarm incidents include but are not limited to:

- i. the testing of an alarm which results in a Police or Fire response,
- ii. an alarm actually or apparently activated by mechanical failure, malfunction or faulty equipment,
- iii. an alarm activated by user error,
- iv. an alarm reporting an attempted or completed criminal offence, fire or an emergency situation occurring on or in relation to the address in which the alarm system is installed where no evidence exists or where no such event took place,
- v. an alarm actually or apparently activated by atmospheric conditions, excessive vibrations or power failure;

(f) "Municipal Government Act (MGA)" means the Municipal Government Act, R.S.A. 2000, Chapter M-26, as amended or repealed and replaced from time to time;

(g) "Owner" means:

- i. a person who is registered under the Land Titles Act as the owner of a parcel of land; or
- ii. a person who is recorded as the owner of a property on the tax assessment roll of the Town of Chestermere; or
- iii. a person who has purchased or otherwise acquired a parcel of land, whether he has purchased or otherwise acquired the land directly from the owner or from another purchaser, and has not yet become the registered owner thereof; or
- iv. a person holding himself out as the person having the powers and authority of ownership of a property or premises or who for the time being exercises the powers and authority of ownership; or
- v. a person in possession or control of a property or premises under construction;

(h) "Peace Officer" shall mean a member of a Police Service, or a Peace Officer appointed pursuant to the Peace Officer Act, S.A. 2006, c. P-3.5 and the regulations thereof, as amended or replaced from time to time;

(i) "Person" shall mean any individual, firm partnership, association, corporation, company or society;

(j) "Premises" means any land situated in whole or in part within the Town including the external surfaces of all buildings and land immediately adjacent to any building or buildings;

(k) "Provincial Offences Procedure Act (POPA)" means the Provincial Offences Procedure Act, R.S.A. 2000, Chapter P-34, and the regulations thereof, as amended or replaced from time to time;

(l) "Town" means the Town of Chestermere, a municipal corporation, in the Province of Alberta and where the context so requires, means the area contained within the corporate boundaries of the said Town.

### **3. APPLICATION**

(1) Nothing in this Bylaw relieves a person from complying with any provision of any federal or provincial law or regulation, other bylaw or any requirement of any lawful permit, order or licence.

(2) Any heading, sub-headings, or tables of contents in this Bylaw are included for guidance purposes and convenience only, and shall not form part of this Bylaw.

(3) Where this Bylaw refers to another Act, bylaw, regulation or agency, it includes reference to any Act, bylaw, regulation or agency that may be substituted therefore.

(4) All the schedules attached to this Bylaw shall form a part of this Bylaw.

(5) This bylaw is gender-neutral and, accordingly, any reference to one gender includes the other.

(6) This bylaw shall not apply to premises owned, leased, or under the control of the Town.

(7) It is the intention of the Council of the Town that all offences created pursuant to this Bylaw be construed and considered as being Strict Liability Offences.

#### **4. RESPONSIBILITIES**

- (1) The owner of a premises shall be responsible for the proper use, installation, maintenance and operations of any alarm system installed on or in the premises in order to ensure the prevention of false alarms.

#### **5. OFFENCES**

- (1) No person shall cause a false alarm in the Town of Chestermere.

#### **6. FEES TO BE CHARGED FOR FALSE ALARMS**

- (1) An alarm activation shall be considered an emergency pursuant to section 551 of the Municipal Government Act and the owner of a premises to which Emergency Services are provided in response to a false alarm shall pay to the Town of Chestermere the following fees pursuant to section 551(5) of the Municipal Government Act:
- (2) If in any 24 month period the emergency services respond to one (1) false alarm originating from one alarm system, the Town shall cause a notice to be sent to the owner of the premises in which the alarm system is installed advising of the occurrence of the false alarm and of the consequences which may arise if further false alarms occur.
- (3) If in any 24 month period the emergency services respond to two (2) or more false alarms originating from one alarm system, there shall be imposed on the owner of the premises in which the alarm system is installed a fee of \$250.00 for the second and each subsequent false alarm.
- (4) Any fees imposed under this Bylaw shall be due and payable within 45 days of invoice and, if not paid on December 31st of the year in which they are imposed, shall be added to and form part of the taxes payable on the premises as taxes in arrears pursuant to section 553.1(1)(c) of the Municipal Government Act.
- (5) In the event that emergency services personnel cause forced entry to the premises due to the false alarm, all costs incurred to secure the building will be imposed on the owner of the premises.



## **7. PENALTIES**

- (1) Every person who contravenes any of the provisions of this Bylaw by doing any act or thing which the person is prohibited from doing is guilty of an offence.
- (2) Any person who is convicted of an offence pursuant to this Bylaw is liable on summary conviction to a fine not exceeding \$10,000.00.
- (3) The specified penalty payable in respect of a contravention of a provision of this Bylaw is the amount shown in Schedule "A" of this Bylaw in respect of that provision.

## **8. VIOLATION TICKETS**

- (1) Where a Peace Officer believes that a person has contravened any provision of this Bylaw, he may commence proceedings by issuing a violation ticket in accordance with the *Provincial Offences Procedure Act*, R.S.A. 2000, c.P-34.
- (2) This Section shall not prevent any officer from issuing a violation ticket requiring the court appearance of the defendant, pursuant to the provisions of the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34, or from laying an information instead of issuing a violation ticket.

## **9. TRANSITION**

- (1) All false alarm notices issued under Bylaw #021-10 shall still be in force and shall expire two years from the date issued.

## **10. CAO REVIEW**

- (1) The CAO shall be granted the authority to review, modify, or waive an invoice issued pursuant to this Bylaw.

## **11. SEVERABILITY**

- (1) If any Section or parts of this Bylaw are found in any court of law to be illegal or beyond the power of Council to enact, such Section or parts shall be deemed to be severable and all other Section or parts of this Bylaw shall be deemed to be separate and independent there from and to be enacted as such.

That Bylaw No. 021-10 is hereby rescinded.

That this Bylaw shall come into full force and effect upon the date of the third and final reading.

Read a first time this April 18<sup>th</sup> 2011

Read a second time this April 18<sup>th</sup> 2011

Read a third time and passed this April 18<sup>th</sup> 2011

Resolution #s: 162-11, 163-11, 164-11, 165-11



MAYOR



CHIEF ADMINISTRATIVE OFFICER

**SCHEDULE "A"**

Section	Offence	Specified Penalty
5(1)	False alarm	\$250.00

