

## BYLAW NO 3591/2017

WHEREAS, pursuant to Section 7 of the *Municipal Government Act*, RSA 2000, c M-26, a Council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property;

AND WHEREAS, the purpose of a municipality includes the development and maintenance of safe and viable communities and the provision of services, facilities or other things that, in the opinion of Council, are necessary or desirable for the municipality;

AND WHEREAS, responding to False Alarms increases the cost of providing Police Service and may reduce the ability for police to respond to other emergency events, in this manner creating unnecessary risks for Police Service and the general public;

AND WHEREAS Council of the City of Red Deer considers it desirable and necessary to establish a bylaw to reduce False Alarms.

NOW THEREFORE COUNCIL OF THE CITY OF RED DEER ENACTS AS FOLLOWS:

### Title

1. This bylaw may be called "The Alarm Bylaw".

### Purpose

2. The purpose of this bylaw is to assist in the reduction of False Alarms requiring a response from Police Service.

### Definitions

3. In this bylaw, the following definitions apply:
  - (a) "**Alarm Holder**" means the owner, lessee, tenant or occupant of a building or unit which has an Alarm System;
  - (b) "**Alarm System**" means any device designed to activate an alarm signal upon detecting:
    - (i) an unauthorized entry to a building or onto property; or
    - (ii) an Emergency within a building or at a property.
  - (c) "**Emergency**" includes a situation in which there is imminent danger to public safety or of serious harm to property requiring Police Service;
  - (d) "**False Alarm**" means the activation of an Alarm System where:
    - (i) no unauthorized entry has occurred or been attempted; or
    - (ii) no Emergency exists;

and includes circumstances where the Alarm System has been activated as a result of:

- (i) testing;
  - (ii) mechanical failure, malfunction or faulty equipment;
  - (iii) inadvertence, mistake, omission or negligence;
  - (iv) atmospheric conditions, vibrations, power failure or communications failure.
- (e) **“Municipal Tag”** means a document alleging an offence issued pursuant to the authority of a bylaw of the City;
  - (f) **“Police Service”** means the Royal Canadian Mounted Police (RCMP); and
  - (g) **“Response Fee”** means the fee that may be charged to an Alarm Holder as a result of a False Alarm.

#### **False Alarm Response Fees**

- 4. Where the Police Service has determined that a False Alarm has occurred, the Alarm Holder shall be liable to pay a Response Fee to the City in the amount set out in Schedule “A”. The Response Fee shall be due and payable thirty (30) days after the date the Response Fee is invoiced by the City.
- 5. The determination of whether or not a False Alarm has occurred shall be made by the RCMP member who is dispatched or responds to the Alarm System activation.

#### **Monitoring of Alarm Systems**

- 6. Subject to Section 7, no person who is in the business of monitoring, responding or receiving signals from Alarm Systems will advise the Police Service of an alarm that is received during hours when the premises in which the Alarm System is located is normally occupied, without first verifying with the Alarm Holder that the alarm is not a False Alarm.
- 7. Section 6 does not apply to an Alarm System installed in a financial institution, school, law enforcement premises, including a correctional facility or courthouse, or a business licensed to sell firearms.
- 8. No person shall provide, use, maintain, install or permit the use, maintenance or installation of an Alarm System that is capable of automatically calling or otherwise sending notice of an alarm to the Police Service or 911.

#### **Appeal Process**

- 9. A decision by the Police Service to charge a Response Fee under this Bylaw may be appealed to the Red Deer Appeal and Review Board within fourteen (14) days of the date of the invoice in accordance with the procedures set out in *The Appeal Boards Bylaw*.

## **Offences and Penalties**

10. Any person who contravenes any provision of this bylaw is guilty of an offence and is liable to a specified penalty set out in Schedule "A".
11. Any person who contravenes the same provision of this bylaw twice is guilty of a second offence and is liable to a specified penalty for a second offence as set out in Schedule "A".
12. In the case of an offence that is of a continuing nature, a contravention constitutes an offence in respect of each day, or part of a day, on which it continues and a person guilty of such an offence is liable to a fine of \$100 for each day that the offence continues.

## **Municipal Tag**

13. A Municipal Tag may be issued to any person where there are reasonable and probable grounds to believe the person has contravened any provision of this bylaw.
14. If a Municipal Tag is issued in respect of an offence the Municipal Tag must specify:
  - (a) the name of the person;
  - (b) the offence;
  - (c) the fine amount;
  - (d) that the fine amount shall be paid within 14 days of the issuance of the Municipal Tag; and
  - (e) any other information as may be required.

## **Payment in Lieu of Prosecution**

15. Where a Municipal Tag is issued in respect of an offence, the person to whom the Municipal Tag is issued may, in lieu of being prosecuted for the offence, pay the penalty specified within the time period indicated on the Municipal Tag.

## **Violation Ticket**

16. If a Municipal Tag has been issued and if the specified penalty has not been paid within the prescribed time, a Violation Ticket may be issued pursuant to the *Provincial Offences Procedure Act*.
17. Despite Section 16, a Violation Ticket may be immediately issued to any person where there are reasonable and probable grounds to believe that person has contravened any provision of this bylaw.
18. If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:
  - (a) impose the specified penalty established by this bylaw for the offence and permit a person to make a voluntary payment; or

- (b) require a person to appear in court without the alternative of making a voluntary payment.

**Voluntary Payment**

- 19. A person who commits an offence and who wishes to plead guilty may:
  - (a) if a Violation Ticket has been issued in respect of the offence; and
  - (b) if the Violation Ticket includes a specified penalty as established by this bylaw for the offence;

plead guilty to the offence by making a voluntary payment by submitting to a Clerk of the Provincial Court, on or before the initial appearance date indicated on the Violation Ticket, the specified penalty set out on the Violation Ticket.

**TRANSITIONAL**

- 20. Bylaw 3194/98 is hereby repealed.

READ A FIRST TIME IN OPEN COUNCIL this 3 day of April 2017.

READ A SECOND TIME IN OPEN COUNCIL this 18 day of April 2017.

READ A THIRD TIME IN OPEN COUNCIL this 18 day of April 2017.

AND SIGNED BY THE MAYOR AND CITY CLERK this 18 day of April 2017.

“Tara Veer”

“Frieda McDougall”

---

MAYOR

---

CITY CLERK

**SCHEDULE "A"**

<b>Response Fees</b>	
Residential	<b>\$80</b>
Non-Residential	<b>\$121</b>
<b>Offences</b>	<b>Penalty</b>
First Offence	<b>\$150</b>
Second and subsequent Offence	<b>\$500</b>