

BYLAW 1873-16

A BYLAW IN THE CITY OF WETASKIWIN, IN THE PROVINCE OF ALBERTA, BEING A RCMP FALSE ALARM BYLAW, FOR THE PURPOSE OF REDUCING FALSE ALARMS, ESTABLISHING FEES CHARGED FOR FALSE ALARMS, PERSONS TO BE CHARGED FEES, CALL VERIFICATION BY ALARM MONITORING SERVICES, AND ENFORCEMENT AND PENALTIES.

WHEREAS, the *Municipal Government Act*, Section 7(a) provides that Council may pass bylaws regarding the health and welfare of people and the protection of people and property; and

WHEREAS, an excessive number of False Alarms are being permitted to occur by the Owners or Lessees of Alarm Systems;

WHEREAS, these False Alarms require emergency responses from RCMP that pose a threat to the safety of Peace Officers and members of the public by creating unnecessary hazards and delaying RCMP response to true emergencies;

NOW THEREFORE the Council of the City of Wetaskiwin duly assembled enacts as follows:

1. TITLE

1.1 This Bylaw shall be known as “the City of Wetaskiwin RCMP False Alarm Bylaw”, may be cited as such, and will be referred to herein as “this Bylaw”.

2. DEFINITIONS

2.1 In this Bylaw:

2.1.1 “Alarm Signal” means a telephone request, or any other signalling request, for Police Services;

2.1.2 “Alarm System” includes a device or devices designed to detect an unauthorized entry or other illegal acts and to activate an Alarm Signal but excludes a device installed in a vehicle;

2.1.3 “Business Premise” means any property or parcel of non-residential land situated in a whole or part within the City of Wetaskiwin, including the external surfaces of all buildings and land immediately adjacent to any building or buildings, store, office, warehouse, factory, building, enclosure, yard, or other place occupied or capable of being occupied by any other person for the purpose of carrying on any business;

2.1.4 “City” means the City of Wetaskiwin, 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 City;

2.1.5 “City Manager” means the City Manager of the City of Wetaskiwin, in the province of Alberta;

2.1.6 “False Alarm” means the activation of an Alarm System which results in a response by Police Services where no unauthorized entry or illegal act or other emergency condition has occurred, as determined by the Police Services, and includes, without limitation:

- a) The testing of an Alarm System which results in an Alarm Signal;
- b) An Alarm System which is activated by mechanical failure or malfunction, or faulty equipment which results in an Alarm Signal;
- c) An Alarm System activation by user error, negligence, or omission, which results in an Alarm Signal;
- d) An Alarm System reporting an attempted or in progress or completed criminal offence, or 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;

2.1.7 “Lessee” means a Person who leases or otherwise resides in or occupies Premises;

2.1.8 “Fees” to be charged for false alarms means the Fees Schedule as amended or replaced from time to time by resolution of Council herein attached as SCHEDULE “A”.

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

2.1.10 “No Fault Event” means an unexpected cause beyond the control of an Owner, Lessee, or other Person despite all reasonable and proper due diligence by such Person to prevent a False Alarm, which may include a criminal event, extreme weather event, power surge or similar occurrence, but shall in no event include an alarm caused by improperly secured Premises;

2.1.11 “Owner” means:

- a) A person who is registered under the Land Titles Act as the owner of a parcel of land; or
- b) A person who is recorded as the owner of a property on the tax assessment roll of the City of Wetaskiwin; or
- c) A person who has purchased or otherwise acquired a parcel or land, whether they have purchased or otherwise acquired the land directly from the owner or from another purchaser, and have not yet become the registered owner thereof; or
- d) A person holding themselves out as having the powers and authority of ownership of a property or premises or who for the time being exercises the powers and authority or ownership; or
- e) A person in possession or control of a property or premises under construction;

2.1.12 “Person” means any individual, firm, partnership, association, corporation, company, or society;

2.1.13 “Peace Officer” means any Peace Officer with the Royal Canadian Mounted Police;

2.1.14 “Police Services” means the Royal Canadian Mounted Police or any of its members;

2.1.15 “Residential Premise” means any property or parcel of residential land situated in a whole or part within the City of Wetaskiwin, including the external surfaces of all buildings and land immediately adjacent to any building or buildings;

2.1.16 “Violation Tag” means a tag or similar document in a form approved by the City Manager, issued by the City of Wetaskiwin pursuant to the *Municipal Government Act*;

2.1.17 “Violation Ticket” means a notice issued under Part Two (2) or Part Three (3) of the *Provincial Offences Procedure Act* as amended, replaced or repealed.

3. SCOPE AND RESPONSIBILITIES

3.1 The provisions of this Bylaw shall apply to the issuance of Violation Tags for the occurrence of excessive False Alarms involving the response from Police Services.

3.2 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.

3.3 The Owner of the 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.

3.2 Where there is a Lessee, they shall also 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.

4. CALL VERIFICATION

4.1 The Monitoring Service shall make all reasonable efforts upon the occurrence of an alarm to verify that the report of the activated Alarm System is not a False Alarm and in doing so shall make all reasonable efforts to contact the Owner, Lessee, or other occupants of the premises to verify the alarm.

4.2 The Monitoring Service shall not allow the Alarm System to directly dial out to the Police Service.

5. FEES TO BE CHARGED FOR FALSE ALARMS

5.1 The fees to be charged for False Alarms pursuant to this bylaw are located in SCHEDULE "A" of this bylaw.

5.2 If in any 12 month period the Police Services are dispatched to five (5) False Alarms originating from one Alarm System, the City shall cause a notice to be sent to the occupant of the Premises in which the Alarm System is installed advising that the Police Service shall not respond to subsequent alarms.

5.3 In the event that Police 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 or Lessee of the Premises.

5.4 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.

5.5 Notwithstanding clauses 5.1 through 5.4, any False Alarm that is caused by a No Fault Event is exempt from an accompanying fee.

6. ENFORCEMENT AND PENALTIES

6.1 Any person who breaches any provision of this Bylaw is guilty of an offence and shall pay the specified fee as outlined in this Bylaw in SCHEDULE "A".

6.2 A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

6.3 A Violation Tag may be issued

6.3.1 In person; or

6.3.2 By mailing a copy to such person to their last known mailing address; or

6.3.3 If being issued to a corporation, by serving the Violation Tag in person upon the manager, secretary, receptionist or other officer or person apparently in charge at any premises of the corporation, or by mailing a copy to such person by registered mail.

6.4 Any Violation Tag shall conform to a format approved by the City Manager and shall include all required content.

6.5 Where a contravention of this Bylaw is of a continuing nature, further Violation Tags may be issued by a Peace Officer provided, however, that no more than one Violation Tag shall be issued for each day that the contravention continues.

6.6 In the event that a Violation Tag has been issued and the penalty specified on the Violation Tag has not been paid within the prescribed time, a Peace Officer may issue a Violation Ticket to the Person to whom the Violation Tag was issued.

6.7 Any person who contravenes any provision of this Bylaw other than failure to pay a penalty as set out in Section five (5) of this Bylaw, is guilty of an offence punishable upon summary conviction and is liable to pay a fine not less than \$75.00 and not more than \$10,000.00 or in default of payment to a period of imprisonment for a period of not more than one (1) year.

7. TRANSITION AND EXECUTION

7.1 This Bylaw shall come into full force and effect on the date of the final passing.

Read a first time this 26th day of September, 2016.

Read a second time this 24th day of October, 2016.

Read a third and final time this 24th day of October, 2016.

ORIGINAL SIGNED

Mayor

ORIGINAL SIGNED

City Manager

**CITY OF WETASKIWIN
FORMING PART OF BYLAW #1873-16
SCHEDULE "A"
Fee Schedule**

Section	Item	Fee
5.2	Police Services dispatched to two (2) False Alarms originating from one alarm system in a 12 month period.	Warning Letter
5.2	Police Services dispatched to three (3) False Alarms originating from one alarm system in a 12 month period.	\$75.00
5.2	Police Services dispatched to four (4) False Alarms originating from one alarm system in a 12 month period.	\$150.00
5.2	Police Services dispatched to five (5) False Alarms originating from one alarm system in a 12 month period.	\$200.00