

TOWN OF BEAUMONT
Bylaw #826-14

**BEING A BYLAW OF THE TOWN OF BEAUMONT IN THE PROVINCE OF ALBERTA,
FOR THE PURPOSE OF REDUCING POLICE 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, false alarms requiring unnecessary police emergency responses pose a threat to the safety of law enforcement personnel and the public by creating unnecessary hazards and delaying attendance at genuine emergencies, and result in considerable unnecessary expense;

AND WHEREAS, Council of the Town of Beaumont considers it desirable and necessary to reduce false alarms;

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

SECTION 1: SHORT TITLE

1.1 This Bylaw may be cited as the "Police False Alarms Bylaw".

SECTION 2: DEFINITIONS

- 2.1. "Alarm System" includes a device or devices designated to activate an Alarm Signal;
- 2.2. "Alarm Signal" means a telephone request, or any other signal requesting police services;
- 2.3. "CAO" means the Chief Administrative Officer for the Town of Beaumont, Alberta appointed by Council, or his designate;
- 2.4. "False Alarm" means the activation of an alarm system, via an alarm signal, that results in the dispatch of Police Services personnel, where unauthorized entry, attempted unauthorized entry, or a police emergency does not exist;
- 2.5. "Lessee" means a Person who leases or otherwise resides in or occupies Premises;
- 2.6. "Municipal Government Act (MGA)" means the Municipal Government Act, R.S.A. 2000, Chapter M-26, as amended or repealed and replaced from time to time;
- 2.7. "No Fault Events", 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 an extreme weather event, power surge or similar occurrence, but shall in no event include an alarm caused by improperly secured Premises;

- 2.8. "Owner" means a Person who is recorded as the owner of Premises on the tax assessment roll of the Town;
- 2.9. "Peace Officer" means a member of the Royal Canadian Mounted Police;
- 2.10. "Person" means any individual, firm, partnership, association, corporation, company or society;
- 2.11. "Police Services" means the Royal Canadian Mounted Police or any of its members;
- 2.12. "Police Services Commander", means the Town of Beaumont RCMP Detachment Commander;
- 2.13. "Premises" means any property or parcel of land situated in whole or in part within the Town of Beaumont, including the external surfaces of all buildings and land immediately adjacent to any building or buildings;
- 2.14. "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;
- 2.15. "Town" means the Town of Beaumont, 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.

SECTION 3: APPLICATION

- 3.1. 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 license.
- 3.2. The intent of this Bylaw shall be to reduce police False Alarms relating to the security of property.
- 3.3. This Bylaw shall not apply to False Alarms that are caused by fire, medical, panic, duress, or No Fault Events.
- 3.4. This Bylaw shall not apply to premises owned, leased, or under the control of the Town.
- 3.5. Notwithstanding any other discretionary provisions within this Bylaw, and giving consideration to the intent of this Bylaw, the Police Services Commander shall have discretion to determine whether the circumstances of any police False Alarm would constitute an offence under this Bylaw.
- 3.6. 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.

SECTION 4: RESPONSIBILITIES

- 4.1. 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.
- 4.2. Where there is a Lessee, the Lessee 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.
- 4.3. No Owner or Lessee shall allow a False Alarm to occur.

SECTION 5: LIABILITY

- 5.1. An alarm activation that results in an Alarm Signal shall be considered an emergency pursuant to section 551 of the Municipal Government Act.
- 5.2. In the event of a False Alarm, the Town may charge fees to the Owner or Lessee of the Premises in accordance with Schedule "A" of this Bylaw.
- 5.3. In the event that Police Services personnel cause forced entry to the premises arising from the False Alarm, all costs incurred to secure the building will also be imposed on the Owner or Lessee of the Premises.
- 5.4. Any Person who is charged a fee pursuant to this Bylaw must pay that fee within the time, and in the manner specified, on the invoice setting out the fee. Any fee that is not paid as specified on the invoice becomes a debt owing to the Town by the Person to whom the fee was charged.

SECTION 6: APPEALS

- 6.1. An Owner or Lessee to whom an invoice has been issued may appeal the invoice to the CAO within 21 days of the invoice date. Any appeal must be in writing with a description as to the reason for the appeal.
- 6.2. The CAO, in consultation with the Police Services Commander, shall be granted the sole authority and discretion to review, modify, or waive any invoices issued pursuant to this Bylaw.

SECTION 7: OFFENCES

- 7.1. Any Person who:
 - 7.1.a. Violates or fails to comply with any of the provisions of this Bylaw; or
 - 7.1.b. Neglects or fails to do anything they are required to do pursuant to this Bylaw.is guilty of an offence.

- 7.2. Where a Peace Officer believes on reasonable and probable ground that a person has committed an offence, he may commence proceedings by issuing a summons by means of a violation ticket in accordance with Part 2 of the *Provincial Offences Procedure Act*.
- 7.3. Any person who contravenes any provision of this Bylaw is guilty of an offence punishable upon summary conviction and is liable to pay a fine of not less than \$150.00 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.
- 7.4. For greater certainty, but not to restrict the generality of the foregoing, any fines imposed pursuant to this Bylaw are in addition to the fees imposed by this Bylaw, and do not excuse or derogate from the requirement to pay such fees.

SECTION 8: GENERAL

- 8.1. 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.
- 8.2. That this Bylaw shall come into full force and effect on July 1st, 2014, and upon passing of third and final reading.

READ a first time this 29th day of April, 2014.

READ a second time this 27th day of May, 2014.

READ the third and final time this 27th day of May, 2014.



Mayor



Municipal Clerk

Schedule "A"

Where an Alarm Signal, which results in a Police Services dispatch, and is determined to be a False Alarm, the Owner or Lessee of the Premises shall pay to the Town the following fees pursuant to section 551(5) of the Municipal Government Act:

- a) If in any 12 month period the Police Services are dispatched to one (1) False Alarm originating from one Alarm System, the Town shall cause a notice of warning to be sent to the Owner or Lessee 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;
- b) If in any 12 month period the Police Services are dispatched to two (2) False Alarms originating from one Alarm System, there shall be imposed on the Owner or Lessee of the Premises in which the Alarm System is installed a fee of \$150.00 for the second False Alarm;
- c) If in any 12 month period the Police Services are dispatched to three (3) or more False Alarms originating from one Alarm System, there shall be imposed on the Owner or Lessee of the Premises in which the Alarm System is installed a fee of \$250.00 for the third and each subsequent False Alarm.