

Bylaw No. 1007-2018 FALSE ALARMS BYLAW

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A BYLAW OF THE CITY OF LEDUC IN THE PROVINCE OF ALBERTA, TO ESTABLISH FINES FOR POLICE RESPONSE TO FALSE ALARMS

WHEREAS, pursuant to section 7 of the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended, 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 false alarms requiring unnecessary 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 City of Leduc considers it desirable and necessary to reduce false alarms;

NOW THEREFORE, the Council of the City of Leduc, in the Province of Alberta, duly assembled enacts as follows:

PART I: DEFINITIONS AND INTERPRETATION

BYLAW TITLE

1. This Bylaw shall be known as "The False Alarms Bylaw".

PURPOSE

2. The purpose of this bylaw is to regulate the use of Alarm Systems in the City of Leduc in order to limit the number of False Alarms.

DEFINITIONS

3. In this Bylaw, unless the context otherwise requires:
 - (a) "**Alarm System**" means any device which detects an unauthorized entry to, or an emergency on, a premises, but does not include a device solely designed to warn of active threats to personal safety;
 - (b) "**City Manager**" means the chief administrative officer of the City of Leduc or his delegate;
 - (c) "**False Alarm**" means the activation of an Alarm System which results in the notification of a Peace Officer when there is:
 - (i) no unauthorized entry or attempted entry to a premises, or

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- (ii) no other situation requiring the attendance of a Peace Officer at a premises;
- (d) **"Alarm Monitor"** means a person who monitors or in any other way deals with Alarm Systems; and
- (e) **"Peace Officer"** means a police officer or member of a police service under the *Police Act*, R.S.A. 2000, c. P-17, as amended.

RULES FOR INTERPRETATION

- 4. The marginal notes and headings in this bylaw are for reference purposes only.

PART II: ALARMS

NO FALSE ALARMS

- 5. No person shall cause or permit an Alarm System to issue a False Alarm on property they own or occupy.

REASONABLE STEPS

- 6. (1) An Alarm Monitor shall take all reasonable steps to ensure that a report of an activated Alarm System is not a False Alarm prior to taking any steps to notify a Peace Officer.
 - (2) Reasonable steps in subsection (1) include, but are not limited to:
 - (a) consideration of the history of notifications from the premises;
 - (b) consideration of the facts surrounding the notification; and
 - (c) attempts to contact the owner or occupant of the property on which the Alarm System is installed.

PART III: ENFORCEMENT

OFFENCE

- 7. A person who contravenes this bylaw is guilty of an offence.

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CONTINUING OFFENCE

8. In the case of an offence that is of a continuing nature, a contravention constitutes a separate 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 in an amount not less than that established in this bylaw for each such day.

VICARIOUS LIABILITY

9. For the purposes of this bylaw, an act or omission by an employee or agent of a person is deemed also to be an act or omission of the person if the act or omission occurred in the course of the employee's employment with the person, or in the course of the agent exercising the powers of or performing duties on behalf of the person under their agency relationship.

CORPORATIONS AND PARTNERSHIPS

10. (1) When a corporation commits an offence under this bylaw, every principal, director, manager, employee or agent of the corporation who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence whether or not the corporation has been prosecuted for the offence.

(2) If a partner in a partnership is guilty of an offence under this bylaw, each partner in that partnership who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence.

FINES AND PENALTIES

11. (1) A person who is guilty of an offence is liable to a fine in an amount not less than that established in this section, and not exceeding \$10,000, and to imprisonment for not more than six months for non-payment of a fine.

(2) Without restricting the generality of subsection (1), the following fine amounts are established for use on violation tickets if a voluntary payment option is offered:

- (a) \$500 for an offence pursuant to section 5; and
- (b) \$250 for any other offence.

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MUNICIPAL TAG

12. Notwithstanding section 11, if a municipal tag is issued in respect of an offence the municipal tag must specify the following fine amounts:
- (a) \$250 for an offence pursuant to section 5; and
 - (b) \$125 for any other offence.

PAYMENT IN LIEU OF PROSECUTION

13. A person who commits an offence may, if a municipal tag is used in respect of the offence, pay the fine amount established by section 12, and if the amount is paid on or before the date specified on the municipal tag, the person will not be prosecuted for the offence.

VIOLATION TICKET

14. If a violation ticket is issued in respect of an offence, the violation ticket may:
- (a) specify the fine amount established in section 11 for the offence; or
 - (b) require the person charged to appear in court without the alternative of making a voluntary payment.

VOLUNTARY PAYMENT

15. A person who commits an offence may:
- (a) if a violation ticket is issued in respect of the offence; and
 - (b) if the violation ticket specifies the fine amount established in section 11 for the offence;
- make a voluntary payment equal to the specified fine.

DISCRETION

16. (1) A Peace Officer, or other person authorized by the City Manager, may, in their full discretion, issue any of the following instruments for suspected breaches of this bylaw:
- (a) a warning;
 - (b) a municipal tag;
 - (c) a violation ticket with a specified fine; or

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- (d) a violation ticket requiring the person charged to appear in court.
- (2) The following factors must be considered in the exercise of discretion pursuant to subsection (1):
- (a) the nature or consequences of the offence;
 - (b) the number of previous convictions of the person charged;
 - (c) the number of previous warnings, municipal tags, or violation tickets issued to the person charged; and
 - (d) any other factors specified by the City Manager.

PART IV: GENERAL

OBSTRUCTION

17. A person shall not obstruct or hinder any person in the exercise or performance of the person's powers pursuant to this bylaw.

COPIES OF RECORDS

18. A copy of a record in care and control of the City Manager, certified by the City Manager as a true copy of the original, shall be admitted in evidence as *prima facie* proof of the facts stated in the record without proof of the appointment or signature of the person signing it.

EVIDENCE BY AFFIDAVIT

19. (1) In a prosecution for an offence pursuant to section 5, a Peace Officer may provide evidence by way of affidavit.
- (2) An affidavit pursuant this section is proof, in the absence of evidence to the contrary, of the facts stated in the affidavit.
- (3) The defendant may, with the permission of the court, require the attendance of any person giving evidence by affidavit pursuant to this section for the purpose of cross examination.

PRESUMPTION

20. The activation of an Alarm System is presumed to be a False Alarm, unless a Peace Officer:
- (a) attends at the premises; or

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(b) investigates the premises;

in response to the activation of the Alarm System.

DUE DILIGENCE

21. A court may dismiss a charge against a person charged with an offence pursuant to this bylaw if the person satisfies the court that the offence could not have been avoided by the exercise of reasonable care or precaution.

POWERS OF THE CITY MANAGER

22. Without restricting any other power, duty or function granted by this bylaw the City Manager may:

- (a) establish forms for the purposes of this bylaw;
- (b) carry out any inspections necessary to determine compliance with this bylaw;
- (c) take any steps or carry out any actions necessary to enforce this bylaw;
- (d) set out any policies to guide the exercise of enforcement discretion; and
- (e) delegate any powers, duties or functions under this bylaw to an employee of the corporation of the City of Leduc.

REPEAL

23. This Bylaw repeals Bylaw No. 757-2010.

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PART V: ENACTMENT

COMING INTO FORCE

24. This Bylaw shall come into force on September 1, 2019.

READ A FIRST TIME IN COUNCIL THIS 28TH DAY OF JANUARY, 2019.

READ A SECOND TIME IN COUNCIL THIS 11TH DAY OF MARCH, 2019.

READ A THIRD TIME IN COUNCIL AND FINALLY PASSED THIS 11TH DAY OF MARCH, 2019.

"Original Signed"

Bob Young
MAYOR

Original Signed"

Sandra Davis
CITY CLERK

March 11, 2019

Date Signed