

**MUNICIPALITY OF CROWSNEST PASS
PROVINCE OF ALBERTA**

Bylaw 846, 2012

Page 1

A BYLAW OF THE MUNICIPALITY OF CROWSNEST PASS, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE ESTABLISHMENT OF A FALSE ALARM BYLAW WITHIN THE MUNICIPALITY OF CROWSNEST PASS.

WHEREAS: Section 7 of the *Municipal Government Act*, R.S.A. 2000, Chapter M-26, and all amendments thereunto, authorizes a Council to pass Bylaws for Municipal purposes respecting the safety, health and welfare of people and the protection of people and property; and for services provided by or on behalf of the Municipality;

WHEREAS: Businesses and residences have installed alarm systems, and these alarm systems are responsible for generating many "False Alarms" and;

WHEREAS: These false alarms result in lost productivity for the RCMP and/or Community Peace Officers and/or overtime charges for being called out when off-duty and/or working past close of shift, and;

WHEREAS: The Municipality of Crowsnest Pass deems it necessary to establish fees for false alarms;

NOW THEREFORE: the Council of the Municipality of Crowsnest Pass in the Province of Alberta, duly assembled, hereby enacts as follows respecting the safety, protection of people and property and the establishment of a False Alarm Bylaw.

NOW THEREFORE, the Municipal Council of the Municipality of Crowsnest Pass, Alberta, duly assembled, hereby enacts as follows:

PART 1: DEFINITIONS

- 1.0 This Bylaw may be cited as the **False Alarm Bylaw**.
- 2.0 In this Bylaw, except where otherwise defined:
 - 2.1 "**ACT**" means all acts carried under the Peace Officer official appointment;
 - 2.2 "**ALARM SIGNAL**" means a telephone request for emergency police services;
 - 2.3 "**ALARM SYSTEM**" means a device or devices designated to activate an alarm signal but excludes a device that is installed in a vehicle or a fire alarm;
 - 2.4 "**ALLIED AGENCIES**" means all those agencies in which the Peace Officer or the Enforcement Services Unit is required to work with or liaise with. They include Police Services, RCMP, Provincial Peace Officers, Sheriffs, and Municipal Peace Officers in other jurisdictions, Provincial Ministries, Alberta Emergency Management Agency, Corporate Health and Safety, Corporate Emergency Response Teams, Corporate Security Teams;
 - 2.5 "**BUSINESS**" means a commercial, merchandising, Municipal or industrial activity or undertaking; a profession, trade, occupation, calling, or employment; a not for profit undertaking; an activity providing of goods or services whether or not for profit however organized or formed, including a cooperative or association of persons;
 - 2.6 "**BYLAW**" means a Bylaw of the Municipality of Crowsnest Pass;
 - 2.7 "**CHIEF ADMINISTRATIVE OFFICER**" means the Chief Administrative Officer of the Municipality appointed by Council, or his designate;

**MUNICIPALITY OF CROWSNEST PASS
PROVINCE OF ALBERTA**

Bylaw 846, 2012

Page 2

- 2.8 **“CARRY ON”** means to carry on, continue, operate, perform, keep, hold, occupy, deal in or use a thing, object or practice for gain;
- 2.9 **“COUNCIL”** means the duly elected officers of the Municipality and the Chief Elected Officer;
- 2.10 **“CROWSNEST PASS REGULATION”** means any agreement, fire protection boundary or any requirement for Crowsnest Pass Fire & Rescue Service as required by the Crowsnest Pass Regulation 197/2002 and any amendments thereunto;
- 2.11 **“EQUIPMENT”** means any tools, contrivances, devices or materials used by the Peace Officers within Enforcement Services;
- 2.12 **“FEES AND CHARGES BYLAW”** means The Municipality of Crowsnest Pass Fees and Charges Bylaw as amended from time to time;
- 2.13 **“FALSE ALARM”** means an alarm signal which results in a response by the RCMP and/or Community Peace Officers where unauthorized entry to the alarmed premises has not occurred in which no police emergency exists, but does not include:
- a) Any false alarm which the occupant or business can clearly demonstrate was caused by a storm, lightning, fire, earthquake or any other act of GOD; or,
 - b) Any false alarm which the occupant can demonstrate was not caused by a lack of due diligence prescribed using Peace Officer discretion in the matter.
- 2.14 **“INCIDENT”** means a situation where Enforcement Services/Peace Officer is required to respond to a fire, explosion, dangerous goods, medical, rescue or other emergency event.
- a) **“NON EMERGENT” INCIDENT** means a situation whereby a complaint has been registered, the Peace Officer has observed an infraction, a false alarm, or a call that is placed within the policy level of priority that is not considered an emergency.
- 2.15 **“JURISDICTION”** means that area of service authorized by the Solicitor General within the Peace Officer’s formal appointment documents, which can be changed or amended with permission from the Solicitor General.
- 2.16 **“MANAGER OF PROTECTIVE SERVICES/FIRE CHIEF”** means the Manager/Fire Chief of the Protective and Community Services Department;
- 2.17 **“MUNICIPALITY”** means The Municipality of Crowsnest Pass;
- 2.18 **“OCCUPANT”** means any person, firm, partnership, association, corporation, company or organization of any kind;
- 2.19 **“PEACE OFFICER”** means a member of the Royal Canadian Mounted Police or a Community Peace Officer appointed pursuant to the provisions the Police Act of Alberta R.S.A. 2000, Chapter P-17, as amended or repealed and replaced from time to time and includes:
- a) **“CONTRACTED PEACE OFFICERS”** are specifically assigned to a formal contract for service with the Municipality;

**MUNICIPALITY OF CROWSNEST PASS
PROVINCE OF ALBERTA**

Bylaw 846, 2012

Page 3

- b) **“JURISDICTIONAL PEACE OFFICERS”** are specifically assigned to a temporary jurisdictional change from their municipality of origin to service the Municipality through the auspices of a special event or a disaster.

- 2.20 **“PERSON”** means any person, firm, partnership, association, corporation, company or organization of any kind;
- 2.21 **“PREMISES”** means a store, office, warehouse, factory, building, municipal building, enclosure, yard or other place occupied or capable of being occupied by any person for the purpose of carrying on any business and/or within a residential dwelling and as defined by the Municipal Land Use Bylaw;
- 2.22 **“PROPERTY”** means any real or personal property which without limiting the generality of the foregoing includes land and structures;
- 2.23 **“VIOLATION TICKET”** means a ticket issued pursuant to the Provincial Offences Procedure Act RSA 2000 c. P-34 as amended from time to time.

PART 2: ALARM REGULATIONS

- 2.0 Every person that installs, keeps, or utilizes an alarm system (not a fire alarm) to protect their premises shall:
 - a) Ensure that the alarm system is operable and in good working order to prevent the activation of a false alarm;
 - b) Understand it is an offence under this Bylaw for any business or premises to generate a “False Alarm”;
 - c) Understand it is an offence under this Bylaw for any person to “generate” a false alarm.

PART 3: POWERS

- 3.0 Powers of the Municipal Community Peace Officers are authorized under the Municipal Bylaws and within the Provincial Offences and Procedures Act Revised Statutes of Alberta 2000 current as of November 02, 2010 and amended from time to time.
- 3.1 Peace Officers are authorized to provide three (3) discretionary cautions for a false alarm at a business or premises. On the fourth (4) alarm, the business or premises occupant shall be deemed to be in violation of this Bylaw and will be issued a Violation Ticket for generating a False Alarm as per Part 2 S. 2.0 (a-c).
- 3.2 Any person who breaches any provision of this Bylaw is guilty of an offence and shall pay a specified penalty as outlined in Schedule “A” of this Bylaw.
 - a) Any business premises who breaches any provision of this Bylaw is guilty of an offence and shall pay a commercial specified penalty as outlined in Schedule “A” of this Bylaw;
 - b) Any residential premises who breaches any provision of this Bylaw is guilty of an offence and shall pay a residential specified penalty as outlined in Schedule “A” of this Bylaw.

MUNICIPALITY OF CROWSNEST PASS
PROVINCE OF ALBERTA

Bylaw 846, 2012

Page 4

- 3.3 Any person who contravenes any provision of this Bylaw is guilty of an offence and liable upon the issuance of a Violation Ticket the specified penalty as listed on Schedule "A" attached to and forming part of this Bylaw.

PART 4: SEVERABILITY

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

That this Bylaw shall come into full force and effect upon the final passing thereof.

READ a first time this 1st day of May, 2012.

CARRIED UNANIMOUSLY

READ a second time this 15th day of May, 2012.

CARRIED UNANIMOUSLY

READ a third time and finally passed this 15th day of May, 2012.

CARRIED UNANIMOUSLY



Bruce Vernon Decoux
Mayor



Myron Thompson
Chief Administrative Officer

**MUNICIPALITY OF CROWSNEST PASS
PROVINCE OF ALBERTA**

Bylaw 846, 2012

Page 5

**SCHEDULE A
SPECIFIED PENALTY OPTIONS**

Bylaw Section	First Offense	Second Offense	Third and Subsequent Offenses
2.0 (a) (b) 3.2 (a) Commercial Premises	\$200.00	\$275.00	\$500.00
2.0 (a) (b) 3.2 (b) Residential Premises	\$100.00	\$150.00	\$200.00
2.0 (c) Commercial and Residential Premises	\$200.00	\$275.00	\$500.00