

MUNICIPAL DISTRICT OF BIGHORN #8

BYLAW 12/20

BEING A BYLAW OF THE M.D. OF BIGHORN #8 TO REGULATE AND CONTROL PROPERTY FIRE ALARM SYSTEMS

WHEREAS professionally installed and monitored property fire alarm systems are useful instruments in early detection of fires and in providing peace of mind for the users of such systems;

AND WHEREAS the M.D. has determined, through the review of statistics relating to alarm response, that many alarms have been falsely activated on a frequent basis;

AND WHEREAS in addition to posing a threat to the safety of firefighters and the public by creating unnecessary hazards, false alarms result in considerable unnecessary expense;

NOW THEREFORE Council for the Municipal District of Bighorn #8 in the Province of Alberta, duly assembled, hereby enacts as follows:

TITLE

1. This Bylaw may be cited as “The M.D. False Alarm Bylaw”.

DEFINITIONS/INTERPRETATION

2. In this Bylaw, unless the context otherwise requires:
 - (a) **“alarm system”** means any mechanical or electrical device which is designed or used for the detection of smoke, fire, or Carbon Monoxide (CO) in a premises, building, structure or facility or for alerting others, and which emits a sound or transmits a signal or message when activated..
 - (b) **“excessive false alarms”** means more than one (1) false alarm in the immediately preceding twelve (12) month period.
 - (c) **“false alarm”** means any notification to any emergency service, including but not limited to, the fire department, a police agency, the ambulance service, and emergency dispatch services, where emergency services provided by that department are not required, and include but are not limited to:
 - i) the testing of an alarm which results in a Police or Fire response,
 - ii) an alarm actually or apparently activated by mechanical failure, malfunction or faulty equipment,
 - ii) an alarm activated by user error,

- iv) an alarm reporting an attempted or completed criminal offence, fire or an 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,
 - v) an alarm actually or apparently activated by atmospheric conditions, excessive vibrations or power failure.
- (d) **“keyholder”** shall mean a person who is capable of providing entry to a premises protected by an alarm system.
 - (e) **“M.D.”** shall mean the municipal corporation of the Municipal District of Bighorn #8 in the Province of Alberta, and its duly authorized agents and designated officers.
 - (f) **“owner”** shall mean a person who controls the property under consideration, holds themselves out as the person having the powers and authority of ownership or who for the time being exercises the powers and authority of ownership, or is registered under provincial legislation as the owner of a freehold estate in possession of land.
 - (g) **“person”** means a natural person and includes a corporation and the heirs, executors, administrators, or other legal representative of a person.
 - (h) **“peace officer”** includes a member of the Royal Canadian Mounted Police, a Community Peace Officer whose appointment includes enforcement of the Municipalities Bylaws, or a Bylaw Enforcement Officer appointed by the M.D.
 - (i) **“municipal tag”** means a municipal ticket or similar document in a form approved by the M.D. and authorized under the Municipal Government Act and issued for any offence in which a penalty may be paid out of court in lieu of being prosecuted for the offence.
 - (j) **“violation ticket”** means a ticket issued pursuant to the Provincial Offences Procedures Act, as amended, and the regulations thereunder.

OFFENCES AND ENFORCEMENT

- 3. In this Bylaw:
 - 3.1 No person or owner shall, by the use of alarm equipment or by any other means of notification, make or cause to be made a false alarm.
 - 3.2 No person or owner shall cause or allow the issuing of a false alarm due to or resulting from faulty, damaged, or malfunctioning alarm equipment.

- 3.3 No person, unless qualified and authorized, shall take it upon themselves to reset any alarm system.
- 3.4 Any person or owner who contravenes any provision of this bylaw is guilty of an offence and is liable upon summary conviction to a fine not greater than \$10,000.00, or in default of payment, imprisonment for a term not exceeding one year.
- 3.5 Peace Officers are hereby authorized and empowered to issue a municipal tag to any person or owner, who the officer has reasonable and probable grounds to believe has contravened any provision of this bylaw.
- 3.6 The municipal tag shall state the name of the accused, the nature of the offence, the penalty payable in lieu of prosecution for the offence and the time period within which the penalty must be paid to the M.D.
- 3.7 The person or owner to whom a municipal tag is issued may, in lieu of being prosecuted for the offence, pay to the MD the penalty specified on the municipal tag.
- 3.8 If the penalty indicated on a municipal tag has not been paid within 14 days, then a Peace Officer is hereby authorized and empowered to issue a violation ticket to the accused.
- 3.9 Notwithstanding section 3.5 of this bylaw a Peace Officer is hereby authorized and empowered to immediate issue a violation ticket, to any person or owner who a peace officer has reasonable and probable grounds to believe has contravened any provision of this bylaw.
- 3.10 The penalty in lieu of prosecution for any offence against this bylaw shall be \$250.00, and the specified penalty for any offence against this bylaw shall be \$350.00. The minimum fine for any offence against this bylaw shall be \$250.00.
- 3.11 A municipal tag or violation ticket may be issued to such person or owner either personally or by mailing a copy to such person or owner at their last known address
- 3.12 A Violation Ticket may be served upon a person or owner in accordance with the provisions of the Provincial Offences Procedures Act.
- 3.13 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 or owner guilty of such offence, is liable to a fine in an amount not less than that established by this bylaw for each such offence.
- 3.14 Except as otherwise provided in this bylaw, a person who is guilty of an offence under this bylaw for which a penalty is not otherwise provided, upon summary conviction before a court of competent jurisdiction, shall be liable to a fine of not more than \$2,500.00.

EFFECTIVE DATE

4. In this Bylaw, the effective date shall mean:
 - 4.1 If any clause in this bylaw is found to be invalid it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.
 - 4.2 It is the intent of Council that all offences created by this bylaw be considered and construed as being Strict Liability Offences.
 - 4.3 Bylaw 14/02 and all amendments thereto is repealed.
 - 4.3 This Bylaw shall come into force and effect upon receiving third reading and being passed by the Municipal Council for the Municipal District of Bighorn #8.

READ A FIRST TIME THIS 8th DAY OF DECEMBER, A.D., 2020.

READ A SECOND TIME THIS 8th DAY OF DECEMBER, A.D., 2020.

READ A THIRD TIME THIS 8th DAY OF DECEMBER, A.D., 2020.



REEVE



CHIEF ADMINISTRATIVE OFFICER