

MUNICIPAL DISTRICT OF BIGHORN #8

BYLAW 14/02

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 firemen 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 or fire in a premises, building, structure or facility or for alerting others, and which emits a sound or transmits a signal or message when activated, but does not include:
    - (i) a device that registers an alarm that is not audible, visible or perceptible outside of the protected premises, building, structure or facility, or
    - (ii) a device that is installed in a vehicle.
  - (b) "automatic calling device" means any device, or combination of devices, that will upon activation, either mechanically, electronically or by any other automatic means, initiate a telephonic or recorded message or any other signal intended to alert another person of an emergency situation and which is designed to be transmitted over regular telephone lines but does not include a device commonly referred to as a telephone.

- (c) "excessive false alarms" means three (3) or more false alarms in the immediately preceding twelve (12) month period.
- (d) "false alarm" means an alarm necessitating response by the nearest emergency services department, where emergency services provided by that department are not required.
- (e) "keyholder" shall mean a person who does not live at the premises protected by an alarm but who is capable of providing entry to such premises.
- (f) "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.
- (g) "owner" shall mean the person shown on the property title as the registered owner of the property at which an alarm system has been installed.
- (h) "person" means a natural person, an association of natural persons, a partnership or corporation.
- (i) "vehicle" means a device designed or intended to be used for the transportation of persons or things.

#### ALARM SYSTEMS

- 3. (1) (a) When a person or keyholder monitoring a monitored alarm system receives an alarm from such system such person or keyholder shall, before advising any member of the Emergency Services of the alarm, verify that such alarm is not a false alarm.
- (b) The Fire Chief or any member of the appropriate Emergency Services department may inspect any alarm system.
- (c) Notwithstanding the provisions of subsections (a) or (b), every alarm control device installed within the M.D. subsequent to July 1, 1993 shall be listed by or approved by a testing authority authorized by the Standards Council of Canada.
- (2) (a) Every owner or person maintaining an audible alarm shall keep the M.D. informed, by notice in writing, of the names and telephone numbers of the keyholders to be contacted in the event that the audible alarm is activated.
- (b) The keyholders to be contacted pursuant to subsection (3) of this section:
  - (i) shall be available to receive telephone calls made in respect of the audible alarms,

- (ii) shall be capable of affording access to the premises where the audible alarm is located, and
  - (iii) shall attend at the premises where the audible alarm is located within fifteen (15) minutes of being requested to do so by a member of the M.D. Emergency Services department.
- (3)
  - (a) When a person or keyholder monitoring a monitored alarm system receives an alarm from such system during those hours when the premises in which the system is located is normally occupied, such person or keyholder shall before advising any member of the M.D. Emergency Services department of the alarm attempt to verify by telephone that the alarm is not a false alarm.
  - (b) A person or keyholder who monitors a monitored alarm system and who informs any member of the M.D. Emergency Services department that the monitored alarm system has been activated shall cause a keyholder to attend at such premises within fifteen (15) minutes of so informing such member of the M.D. Emergency Services department of the activation.
- (4)
  - (a) The following shall not be included when computing the number of false alarms which have occurred and when determining whether a false alarm penalty is payable pursuant to this Bylaw:
    - (i) any false alarm which the owner can demonstrate was caused by a storm, lightning, earthquake, or other violent act of nature; or
    - (ii) any false alarm which the owner can demonstrate was actually caused by the act of some person other than:
      - (A) the owner including the owner's officers, agents, employees, keyholders, independent contractors or any other person subject to the direct or indirect control of the owner;
      - (B) the person who installed, connected, operated, maintained or serviced the alarm system; or
      - (C) the manufacturer of the alarm system, including the manufacturer's officers, agents, employees, independent contractors or any person subject to the direct or indirect control of the manufacturer.

- (b) Where an alarm system activates excessive false alarms, the M.D. may, by notice in writing, require the owner to have the alarm system inspected by a person knowledgeable in the installation and use of alarm systems.
- (c) Within fourteen (14) days of receipt of the notice referred to in subsection (b) an owner shall provide the M.D. with a report in writing, in the form prescribed by the M.D., verifying that the inspection has been carried out and indicating the results of the inspection.
- (d) If the report referred to in subsection (c) indicates, in any way, that the alarm system is malfunctioning due to a fault or deficiency in the alarm system, the owner shall forthwith remedy such fault or deficiency.
- (e) No person shall provide, use, maintain or install or permit the use, maintenance or installation of any automatic calling device which is programmed to access any phone number assigned to the M.D. fire departments or fire guardians and includes the emergency telephone number "9-1-1".

#### OFFENCES AND PENALTIES

- 1. (1) Any person who contravenes any provision of this Bylaw for which a penalty is not otherwise provided is guilty of an offence and liable on summary conviction to a fine of not more than Ten Thousand Dollars (\$10,000.00) and in default of payment to imprisonment for a term not exceeding one (1) year or both.
- (2) A person who contravenes a provision of Section 3(2)(b) of this Bylaw is not guilty of an offence in respect of such contravention.
- 2. (1) There is hereby imposed a false alarm penalty of Three Hundred and Fifty Dollars (\$350.00) payable by an agency to the M.D. in respect of a breach of Section 3(3)(a) of this Bylaw, for each false alarm communicated to the M.D. by the agency.
- (2) Where the M.D. fire department or fire guardians is requested to attend at a premises as a result of the activation of an alarm system, and it is determined, with reference to Sections 2(d) and 3(4)(a), that the alarm signal was a false alarm and that a false alarm penalty is payable, the M.D. shall notify the agency of the imposition of said penalty by causing a notice in writing to be sent by regular mail to the agency at its last known address, and the said agency shall pay the false alarm penalty imposed within thirty (30) days after the date of the written notification.
- (3) Where an agency receives a written notice of the imposition of a false alarm penalty prepared and delivered pursuant to subsection (2), the agency may, within thirty (30) days of the date of the agency's receipt of the notice, apply for a

review of the determination that a false alarm penalty is payable by notifying the M.D., in writing, of the agency's application for review, and by delivering said notification to the M.D. in accordance with the instructions contained within the false alarm penalty notice prepared and delivered to the agency pursuant to subsection (2).

- (4) Where the M.D. receives a written notification for review, delivered pursuant to subsection (3), the M.D. shall, within twenty-one (21) days, review the determination that a false alarm penalty is payable, having regard to all the circumstances made known to the M.D. which are relevant to the subject alarm activation, and having regard to the provisions of Sections 2(d) and 3(4)(a).
- (5) When a review is proceeding pursuant to subsection (4), the imposition of the false alarm penalty shall be automatically stayed until such time as the said review is completed.
- (6) Upon completion of a review pursuant to subsection (4), the M.D. shall notify the agency of the result of the review by causing a notice in writing to be sent by regular mail to the agency at its last known address.
- (7) Where the result of a review commenced pursuant to subsection (4) is the confirmation of the imposition of the false alarm penalty, the agency shall pay the said penalty within thirty (30) days after the date of the notification prepared and delivered pursuant to subsection (6).
- (8) Where any agency pays a false alarm penalty, it shall not be prosecuted for a contravention of Section 3(3)(a).

#### EFFECTIVE DATE

1. 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 21<sup>ST</sup> DAY OF OCTOBER A.D., 2002.  
READ A SECOND TIME THIS 7<sup>TH</sup> DAY OF JANUARY A.D., 2003  
READ A THIRD TIME THIS 7<sup>TH</sup> DAY OF JANUARY A.D., 2003

  
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REEVE

  
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ACTING MUNICIPAL SECRETARY

