

BYLAW NO. 3716

A BYLAW OF THE CITY OF MEDICINE HAT to reduce the number of False Alarms responded to by the City's Police Service and Fire Services.

WHEREAS the purposes of a municipality include the development and maintenance of safe and viable communities and the provision of services, facilities or other things that, in the opinion of Council, are necessary or desirable for all or a part of the municipality;

AND WHEREAS Council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property, and respecting the services provided by or on behalf of the municipality;

AND WHEREAS numerous alarms received by both the City of Medicine Hat Fire Services and the City of Medicine Hat Police Service are False Alarms;

AND WHEREAS responding to False Alarms increases the cost of providing emergency services and may reduce the ability to respond to other emergency events;

AND WHEREAS the Council of the City of Medicine Hat deems it advisable to establish a registration system for Alarm Systems and a system of fees to be charged for responding to False Alarms for the purposes set out herein;

NOW THEREFORE THE COUNCIL OF THE MUNICIPALITY, DULY ASSEMBLED, ENACTS AS FOLLOWS:

A. PURPOSE, INTERPRETATION AND DEFINITIONS

1. This bylaw may be referred to as the "Alarm Systems" bylaw.
2. The purpose of this bylaw is to regulate the use of Alarm Systems within the City of Medicine Hat and to assist in the reduction of False Alarms requiring a response.
3. In this bylaw:
 - (a) **Affected Department** shall mean either the Fire Services or the Police Service, or both, as the context may require.
 - (b) **Alarm Service Provider** shall mean any person or corporation that installs, maintains, or monitors Alarm Systems.
 - (c) **Alarm Site** shall mean a single fixed premises or location within the City of Medicine Hat that is served by an Alarm System and includes a condominium unit or apartment suite.

- (d) **Alarm System** shall mean a Fire Alarm System or a Security Alarm System.
- (e) **Bylaw Enforcement Officer** shall mean any person employed by the City of Medicine Hat as a Police Officer, Bylaw Enforcement Officer or Special Constable.
- (f) **Council** shall mean the Council of the City of Medicine Hat, as defined by the Municipal Government Act, R.S.A. 2000, c. M-26, as amended.
- (g) **False Alarm** shall mean the activation of an Alarm System which results in a response by an Affected Department where no unauthorized entry or illegal act or fire, smoke, hazardous gas or other similar emergency condition has occurred, as determined by the Affected Department, and includes, without limitation:
 - (i) The testing of an Alarm System which results in a request for service to an Affected Department no matter how that request for service is received;
 - (ii) An Alarm System which is activated by mechanical failure or malfunction, or faulty equipment which results in a request for service by an Affected Department no matter how that request for service is received;
 - (iii) An Alarm System which is activated by the presence or movement of pets at the Alarm Site which results in a request for service by an Affected Department no matter how that request for service is received;
 - (iv) An Alarm System which is activated by any act of negligence, error or omission, which results in a request for service to an Affected Department no matter how that request for service is received; and
 - (v) An Alarm System which is activated by atmospheric conditions, excessive vibrations, power failure or communications failure, which results in a request for service to an Affected Department no matter how that request for service is received.
- (h) **Fire Alarm System** shall mean any device or series of devices that are designed to detect fire, smoke, hazardous gas, or similar emergency conditions at an Alarm Site which, when activated, emits or transmits a local or remote audible, visual or electronic signal intended to act as a warning, or to summon the Fire Services, whether monitored by an Alarm Service Provider or not, but does not include a Residential Smoke Alarm.
- (i) **Fire Services** shall mean the City of Medicine Hat Fire Services.
- (j) **Police Service** shall mean the City of Medicine Hat Police Service.

- (k) **Registration Information** shall mean the information required to be submitted to an Affected Department pursuant to the provisions of this bylaw, or any rules and regulations provided for herein, in regard to the registration of an Alarm System.
 - (l) **Residential Smoke Alarm** shall mean a device designed to detect smoke and sound an alarm within the room or suite in which it is located upon the detection of smoke within a residential dwelling. For greater certainty, a smoke detector or other similar device which is connected to or monitored by an Alarm Service Provider is not a Residential Smoke Alarm.
 - (m) **Security Alarm System** shall mean any device or series of devices that are designed to detect an unauthorized entry or other illegal act at an Alarm Site which, when activated, emits or transmits a local or remote audible, visual or electronic signal intended to act as a warning, or to summon the Police Service, whether monitored by an Alarm Service Provider or not, but does not include an alarm installed in a vehicle.
- 4. The use of headings and marginal notes included in this bylaw are for convenience of reference only and shall not affect or be considered in the construction or interpretation of this bylaw.
 - 5. Where this bylaw requires, enables or authorizes an Affected Department to do anything, that thing may be done by a person employed by the Affected Department whose duties, as determined by the Chief of the Affected Department include the doing of that thing.
 - 6. Words utilized in the bylaw importing the singular shall include the plural, and *vice versa*, and words importing gender shall include all genders. Capitalized words used herein shall be deemed to include all derivatives of such words.
 - 7. Each provision in this bylaw is independent of all other provisions and if any provision of this bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions in this bylaw shall remain valid and enforceable.

B. REGISTRATION

- 8. Fire Services shall establish and maintain a registration system whereby Fire Alarm Systems may be registered. The registration system shall be administered by the Chief of Fire Services, or his designate, who may make rules and regulations in regard to the requirements of the system. Without limiting the generality of the foregoing, the registration system shall include, but will not necessarily be limited to, the following:
 - (a) Forms and records for the purpose of registering Fire Alarm Systems and pertinent information in regard thereto. Such information shall include, but shall not be limited

to, the name, address and telephone numbers or other contact information for the registrant of the Fire Alarm System, the owners of the Alarm Site, the occupants of the Alarm Site, any Alarm Service Provider which may provide service regarding the Fire Alarm System, and alternate contacts to be provided by the registrant;

- (b) An appeal procedure, as referred to in section 26 of this bylaw;
- (c) A procedure whereby affected parties may apply for fee rebates, as described in section 28 of this bylaw;

9. The Police Service shall establish and maintain a registration system whereby Security Alarm Systems may be registered. The registration system shall be administered by the Chief of the Police Service or his designate who may make rules and regulations in regard to the requirements of the system. Without limiting the generality of the foregoing, the registration system shall include, but will not necessarily be limited to, the following:

- (a) Forms and records for the purpose of registering Security Alarm Systems and pertinent information in regard thereto. Such information shall include, but not be limited to, the name, address and telephone numbers or other contact information for the registrant of the Security Alarm System, the owners of the Alarm Site, the occupants of the Alarm Site, any Alarm Service Provider which may provide service regarding the Security Alarm System, and alternate contacts to be provided by the registrant;
- (b) An appeal procedure, as referred to in section 26 of this bylaw;
- (c) A system whereby affected parties may apply for fee rebates, as described in section 28 of this bylaw.

10. Any Fire Alarm System in existence prior to the coming into force of this bylaw shall be registered with Fire Services within one hundred and twenty (120) days of this bylaw coming into force.

11. Any Security Alarm System in existence prior to the coming into force of this bylaw shall be registered with the Police Service within one hundred and twenty (120) days of this bylaw coming into force.

12. Any Fire Alarm System which is installed subsequent to this bylaw coming into force shall be registered with Fire Services prior to the Fire Alarm System becoming operable.

13. Any Security Alarm System which is installed subsequent to this bylaw coming into force shall be registered with the Police Service prior to the Security Alarm System becoming operable.

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14. No person shall operate or permit the operation of an Alarm System which has not been registered as provided for by this bylaw. Without limiting the generality of the foregoing, neither:
- (a) An owner of an Alarm Site; nor
 - (b) An occupant of an Alarm Site,
- shall operate or permit the operation of an Alarm System, at an Alarm Site, unless the Alarm System has been registered as provided for by this bylaw.
15. No person shall enter into an agreement to monitor an Alarm System that has not been registered as provided for by this bylaw.
16. No person shall render operable maintain or monitor an Alarm System that has not been registered as provided for by this bylaw.
17. Upon registration of an Alarm System the person registering the Alarm System shall provide to the Affected Department, the following information:
- (a) The address of the Alarm Site;
 - (b) The name, address, telephone numbers and contact information of the registrant of the Alarm System;
 - (c) The name, address, telephone numbers and contact information of the owner of the Alarm Site;
 - (d) The name, address, telephone numbers and contact information of the occupants of the Alarm Site;
 - (e) The name, address, telephone number and contact information of at least one alternate contact person for the Alarm System who is authorized to enter the Alarm Site;
 - (f) The name, address, telephone number and contact information for any Alarm Service Provider which maintains or monitors the Alarm System.
 - (g) Such further and other information as the Affected Department may reasonably require; and
 - (h) In the event of a change to any information required hereby, updated information within seven (7) days of the change.

18. Any person who registers an Alarm System shall forthwith provide any Alarm Service Provider maintaining or monitoring the Alarm System with all of the information provided in the application for registration, and any number assigned to the registration.
19. Fire Services and the Police Service may provide any information contained in the registration application, or any number assigned to the registration, to any Alarm Service Provider maintaining or monitoring the Alarm System.
20. No person shall supply incorrect, incomplete or misleading information in a registration application or when supplying any updated information in regard to the registration.
21. Registrations are non-transferable unless the Chief of the Affected Department, or his designate, consents to the transfer in writing.

C. ALARMS

22. An Alarm Service Provider who receives a report of an activated Fire Alarm System shall:
 - (a) Notify the Medicine Hat Regional 911 Communication Centre immediately, and in so doing shall provide any registration number assigned to the Alarm System and the address of the Alarm Site;
 - (b) Make all reasonable efforts to verify that the report of the activated Alarm System is not a False Alarm, and in so doing shall make all reasonable efforts to contact the registrant, the owners or the occupants of the Alarm Site, or their alternate contacts, to verify the alarm;
 - (c) In the event that the Alarm Service Provider is of the opinion that the alarm is a False Alarm, advise the Medicine Hat Regional 911 Communication Centre; and
 - (d) Attend the Alarm Site or ensure that an authorized person attends the Alarm Site, for the purpose of deactivating the Alarm System, if requested by Fire Services.
23. (1) An Alarm Service Provider receiving a report of an activated Security Alarm System shall:
 - (a) Promptly make all reasonable efforts to contact the registrant, the owners or the occupants of the Alarm Site, or their alternate contacts, to verify the alarm;
 - (b) Immediately after making all reasonable efforts pursuant to clause (a) to verify the alarm, notify the Medicine Hat Regional 911 Communication Centre, and in so doing shall provide any registration number assigned to the Alarm System and the address of the Alarm Site; and

(c) Attend the Alarm Site for the purpose of deactivating the Alarm System, if requested by the Police Service.

(2) Nothing contained herein shall prevent the Alarm Service Provider from immediately notifying the Medicine Hat Regional 911 Communication Centre of the activated Alarm System.

D. FEES

24. (a) The Police Service may charge the following fees for responding to a False Alarm:

<i>Number of False Alarms</i>	<i>Location/Time Frame</i>	<i>Fee (per alarm)</i>
1 – 2	Same Alarm Site within the same calendar year	No fee
3 – 5	Same Alarm Site within the same calendar year	\$75.00
More than 5	Same Alarm Site within the same calendar year	\$100.00

(b) Fire Services may charge the following fees for responding to a False Alarm:

<i>Number of False Alarms</i>	<i>Location/Time Frame</i>	<i>Fee (per alarm)</i>
1 – 2	Same Alarm Site within the same calendar year	No fee
3 – 5	Same Alarm Site within the same calendar year	\$250.00
More than 5	Same Alarm Site within the same calendar year	\$500.00

25. The fees provided for in section 24 of this bylaw may be charged to:

- (a) A registrant of the Alarm System;
- (b) An owner of the Alarm Site;
- (c) An occupant of the Alarm Site;
- (d) A property manager of the Alarm Site;
- (e) An Alarm Service Provider for the Alarm Site; or
- (f) A person responsible for the False Alarm.

26. The fees charged pursuant to this bylaw may be appealed in writing to the Affected Department within thirty (30) days of the date of the invoice for the fee being issued. Where the Chief of the Affected Department, or his designate, is of the opinion that:

- (a) All reasonable steps to avoid the False Alarm were taken, or
- (b) The alarm was reported promptly as a False Alarm without the necessity of a response by the Affected Department;

the fee, or any portion thereof, may be waived.

27. Any person who is charged a fee pursuant to this bylaw must pay the 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 City of Medicine Hat by the person to whom the fee was charged.
28. Where a person who has paid a fee for a False Alarm has made or caused to be made improvements to the Alarm System or in some other way has taken steps to ensure that False Alarms do not occur, that person may apply to the Affected Department for a rebate of up to 50% of the fee charged provided that the application is made in writing and received by the Affected Department within sixty (60) days of the date of the invoice by which the fee was charged.
29. Where the Chief of the Affected Department, or his designate, is satisfied that the improvements or other steps taken by the applicant, for a fee rebate, are likely to decrease the likelihood of False Alarms in the future, the Affected Department may rebate up to 50% of the fee charged.

E. OFFENCES

30. Any person who:
 - (a) Violates or fails to comply with any of the provisions of this bylaw, or
 - (b) Neglects or fails to do anything they are required to do pursuant to this bylaw,is guilty of an offence.
31. Where a Bylaw Enforcement Officer believes on reasonable and probable grounds 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*, R.S.A. 2000, c. P-34.
32.
 - (1) The specified penalty payable in respect of a contravention of this bylaw other than the failure to pay a fee as set out in section 24 of this bylaw, is TWO HUNDRED AND FIFTY (\$250.00) DOLLARS.
 - (2) The specified penalty payable in respect of a failure to pay a fee as set out in section 24 hereof, within the time and in the manner specified on the invoice setting out the fee, shall be the amount of the fee which has been charged.
33. Pursuant to section 27(2)(d) of the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34., if the summons issued by a Bylaw Enforcement Officer under section 31 of this bylaw so provides, the person named in the summons may make a voluntary payment in the specified

amount set out in section 32 of this bylaw, and upon making the voluntary payment, that person is not required to appear before a Justice to answer the summons.

34. Any person who contravenes any provision of this bylaw other than the failure to pay a fee as set out in section 24 of this bylaw, is guilty of an offence punishable upon summary conviction and is liable to pay a fine of not less than ONE HUNDRED (\$100.00) DOLLARS and not more than TEN THOUSAND (\$10,000.00) DOLLARS or in default of payment to a period of imprisonment for a period of not more than one (1) year.
35. Any person who fails to pay a fee as set out in section 24 hereof, within the time and in the manner specified on the invoice setting out the fee, is liable, upon conviction, to pay a fine in an amount equivalent to the fee which has been charged, that is:
- (a) Non-payment of a fee in the amount of \$75.00, a fine in the amount of \$75.00;
 - (b) Non-payment of a fee in the amount of \$100.00, a fine in the amount of \$100.00;
 - (c) Non-payment of a fee in the amount of \$250.00, a fine in the amount of \$250.00; and
 - (d) Non-payment of a fee in the amount of \$500.00, a fine in the amount of \$500.00.

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.

F. IMPLEMENTATION

36. This bylaw shall come into force ninety (90) days after the date of third reading.

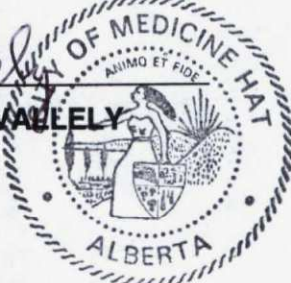
READ A FIRST TIME in Open Council on May 29, 2006

READ A SECOND TIME in Open Council on May 29, 2006

READ A THIRD TIME in Open Council on June 19, 2006

SIGNED AND PASSED on June 20, 2006

Garth Vallely
MAYOR - GARTH VALLELY



Larry P. Godin
CITY CLERK - LARRY P. GODIN