



**BYLAW NO. 2015/09/P**

**Name of Bylaw: False Alarms Bylaw**

BEING A BYLAW OF THE TOWN OF DRAYTON VALLEY, IN THE PROVINCE OF ALBERTA,  
RESPECTING FALSE ALARMS WITHIN THE TOWN OF DRAYTON VALLEY.

**WHEREAS** in accordance with the *Municipal Government Act* being Chapter M 26 of the Revised Statutes of Alberta, 2000, and amendments thereto, a Council may pass Bylaws for 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;

**AND WHEREAS** response to false alarms may compromise the effectiveness of emergency services;

**NOW THEREFORE** the Council of the Town of Drayton Valley, duly assembled, hereby enacts as follows:

**TITLE**

1. This Bylaw may be cited as the “False Alarms Bylaw” of the Town of Drayton Valley.

## DEFINITIONS

2. In this Bylaw, including this section, unless the context otherwise requires:

*false alarm* means any notification to any emergency service, including but not limited to the fire service, the Royal Canadian Mounted Police, the ambulance service, community peace officers, bylaw enforcement, and emergency dispatch services, respecting the existence of a condition, circumstance or event containing an imminent serious danger to persons or property, where no such condition, circumstance or event exists.

*owner* means

- a. any person registered as the owner of property under the *Land Titles Act*;
- b. a person who is recorded as the owner of property on the assessment role of the Town.
- c. a person who has become the beneficial owner of the property, including by entering into a Purchase and Sale Agreement, whether they have purchased or otherwise acquired directed from the owner or from another purchaser, and who has not yet become the registered owner thereof;
- d. a person holding himself out as the person exercising the power of authority of ownership or, who for the time being exercises the powers and authority of ownership over the property.
- e. a person in control of property under construction; or
- f. a person, tenant or renter who is the occupant of the property under a lease, license or permit;

*Peace Officer* means a person appointed as a Peace Officer pursuant to section 7 of the *Peace Officer Act*, S.A. 2006, chapter P-35, and also includes but is not limited to a Police Officer, Royal Canadian Mounted Police Officer, Special Constable, Bylaw Enforcement Officer, Safety Codes Officer, or a person designated by Council to enforce the provisions of this Bylaw;

*person* means a corporation, partnership, or individual, and the heirs, executors, administrators or other legal representative of an individual, joint venture, proprietorship, association, or society;

*property* means any lands, buildings, structures, improvements, or premises, or any personal property located thereupon, within the municipal boundaries of the Town;

*Violation Tag* means a tag or similar document issued by the Town for the purpose of notifying a person that an offence has been committed for which a prosecution may follow;

*Violation Ticket* means a ticket issued pursuant to Part 2 of the *Provincial Offences Procedure Act*;

## **OFFENCES**

3. No person or Owner shall cause or allow the issuing of a False Alarm due to or resulting from faulty, damaged, malfunctioning alarm equipment, or a private alarm company.
4. No person or Owner shall, by the use of alarm equipment or by any other means of notification, make or cause to be made any False Alarm.

## FINES AND PENALTIES

5. Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable to:
  - a. payment of the penalty as set out in Schedule "A" hereto; or
  - b. for any offence for which there is no penalty specified, to a penalty of not less than eighty dollars (\$80.00) and not more than two thousand dollars (\$2,000.00); and
  - c. in default of payment of any penalty, to imprisonment for up to six (6) months.
  
6. A Peace Officer who has reasonable and probable grounds to believe that any person has contravened any provision of this Bylaw, may issue and serve:
  - a. a Violation Tag allowing payment of the specified penalty to the Town, which payment will be accepted by the Town in lieu of prosecution for the offence; or
  - b. a Violation Ticket, allowing a voluntary payment of the specified penalty to the Provincial Court, or, requiring a person to appear in Court without the alternative of making a voluntary payment; and
  - c. the recording of the payment of a specified penalty made to the Town pursuant to a Municipal Tag or the Provincial Court of Alberta pursuant to a Violation Ticket shall constitute an acceptance of a guilty plea and conviction of the offence.
  
7. Service of a Violation Tag shall be sufficient if it is:
  - a. personally served;
  - b. left with the person on the premises who has the appearance of being at least eighteen (18) years of age; or
  - c. sent and served by regular mail to the person or corporation's last known mailing address.

8. A Violation Tag shall be in a form approved by the Town Manager, and shall state:
  - a. the name of the person to whom the violation tag is issued;
  - b. a description of the property upon which the offence has been committed, particularly a civic address or legal description, if applicable;
  - c. the appropriate penalty for the offence as specified in Schedule "A" of this Bylaw;
  - d. that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag in order to avoid prosecution; and
  - e. any other information as may be required by the Town Manager.
  
9. Where a Violation Tag has been issued pursuant to this section, the person to whom the Violation Tag has been issued may, in lieu of being prosecuted for the offence, pay to the Town Office, the penalty specified on the Violation Tag.
  
10. In the event that a Violation Tag has been issued and the penalty specified on the Violation Tag has not been paid within the prescribed time, a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part 2 of the *Provincial Offences Procedure Act* to the person to whom the Violation Tag was issued.
  
11. Notwithstanding the foregoing, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket to any person to whom the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
  
12. A Violation Ticket issued with respect to a violation of this Bylaw may be served upon the person responsible for the contravention in accordance with the *Provincial Offences Procedure Act*.

13. The person to whom the Violation Ticket has been issued may plead guilty by making a voluntary payment in respect for of the summons by delivering to the Provincial Court, on or before the initial appearance date, the Violation Ticket together with an amount equal to the specified penalty for the offence as provided by this Bylaw.
14. Where a Clerk of the Court records in the Court records the receipt of a voluntary payment pursuant to this Bylaw and the *Provincial Offenses Procedure Act*, the act of recording constitutes acceptance of the guilty plea and also constitutes a conviction and imposition of a fine in the amount of the specified penalty.

#### **INTERPRETATION**

15. In this Bylaw any reference to a named Act is a reference to an Act of the Legislature of Alberta, as amended from time to time.
16. Words used in the singular include the plural and vice-versa.
17. When a word is used in the masculine or feminine it will refer to either gender.
18. Words used in the present tense include the other tenses and derivative forms.

**SEVERABILITY**

19. If any provision of this Bylaw is held be invalid by a court of competent jurisdiction, that decision will not affect the validity of the remaining provisions of the Bylaw.

**AND THAT** this Bylaw shall come into force and have effect from and after the date of third reading thereof.

Read a first time this 24 day of June, 2015, A. D.

Public Hearing held this 16<sup>th</sup> day of September, 2015, A.D.

Read a second time this 16<sup>th</sup> day of September, 2015, A. D.

Read a third and final time this 16<sup>th</sup> day of September, 2015, A. D.

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MAYOR

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TOWN MANAGER

**SCHEDULE "A"**

**FINES AND PENALTIES**

<b>Section</b>	<b>Violation</b>	<b>Penalty</b>		
		<u>First Offence Within a 12 month period</u>	<u>Second Offence Within a 12 month period</u>	<u>Third or More Offence Within a 12 month period</u>
3	cause or allow the issuing of a False Alarm due to or resulting from faulty, damaged, malfunctioning alarm equipment, or a private alarm company	\$80.00	\$260.00	\$500.00
4	By the use of alarm equipment or by any other means of notification, make or cause to be made any False Alarm.	\$80.00	\$260.00	\$500.00

1415086;September 17, 2015