



**TOWN OF BROOKS  
BYLAW NO. 04/07**

**A BYLAW OF THE TOWN OF BROOKS TO ESTABLISH A FEE  
STRUCTURE FOR FALSE ALARMS**

**WHEREAS** the Municipal Government Act RSA 2000, c M-26 and regulations as amended, provides that Council may pass bylaws for municipal purposes respecting the safety, health and welfare of people; the protection of people and property; nuisances; services provided by or on behalf of the municipality; public utilities; and the enforcement of bylaws;

**AND WHEREAS** it is deemed desirable and necessary in order to protect and preserve the safety and welfare of its citizens that a fee structure be regulated so as to minimize false alarms within the Town of Brooks;

**NOW, THEREFORE**, the Council of the Town of Brooks, in the province of Alberta, hereby enacts as follows:

**A. TITLE:**

1. This Bylaw may be referred to as the "False Alarm Bylaw".

**B. INTERPRETATION:**

2. In this Bylaw, unless the content otherwise requires,
  - a) **Act** means the Municipal Government Act, RSA 2000, c M-26 and regulations made under the Municipal Government Act as amended;
  - b) **Alarm Signal** means a telephone request for emergency police services;
  - c) **Alarm System** includes a device or devices designated to activate an alarm signal but excludes a device that is installed in a vehicle;
  - d) **Business** means:
    - i) a commercial, merchandising or industrial activity or undertaking,
    - ii) a profession, trade, occupation, calling or employment; or,
    - iii) an activity providing of goods or services whether or not for profit and however organized or formed, including a co-operative or association of persons.

- e) **Bylaw** means the Town of Brooks No. 04/07, as may be amended from time to time.
- f) **Bylaw Enforcement Officer** means a person appointed to enforce the provisions of this Bylaw, and includes a member of the Royal Canadian Mounted Police and, when authorized, a Special Constable.
- g) **Chief Administrative Officer** means the person appointed to the position of Chief Administrative Officer by the Council of the Town of Brooks and includes any person that the CAO may appoint as his designate for purposes of carrying out his responsibilities under this Bylaw and further includes an person that may be appointed to act in the absence of the CAO.
- h) **Council** means the Municipal Council of the Town of Brooks.
- i) **False Alarm** means an alarm signal which results in a response by the R.C.M.P. where unauthorized entry to the alarmed premises has not occurred and no police emergency exists, but does not include:
  - i) any false alarm which the **occupant** can demonstrate was caused by a storm, lightning, fire, earthquake or act of God; or
  - ii) any false alarm which the occupant can demonstrate was not caused by a lack of due diligence.
- j) **Person** means any person, firm, partnership, association, corporation, company or organization of any kind.
- k) **Occupant** means any person, firm, partnership, association, corporation, company or organization of any kind.
- l) **Premises** means a store, office, warehouse, factory, building, enclosure, yard or other place occupied or capable of being occupied, by any person for the purpose of carrying on any business or residential dwelling.
- m) **Town** means the Town of Brooks, a Municipal Corporation in the Province of Alberta, or the geographical area contained within the boundaries of the Town of Brooks, as the context may require.
- n) **Violation Tag** means a tag or similar document issued by the Town Pursuant to the Act.

- n) **Violation Ticket** means a ticket issued pursuant to Part II of the Provincial Offences Procedures Act, RSA 2000, C P-34, as amended and any Regulations thereto;
3. Every person that installs, keeps or utilizes an alarm system to protect their premises, shall ensure that the alarm system is operable and in good working order to prevent the activation of a false alarms.
4. It is an offence under this bylaw for any person or business to generate a "False Alarm".

**C. OFFENCES AND PENALTIES:**

5. 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" attached.
6. All persons or businesses in contravention of this bylaw shall receive a grace period of 3 months from the date the bylaw comes into force after which time the specified penalties shall come into force.
7. Any person who contravenes any provision of this Bylaw is guilty of an offence and liable:
- a) upon the issuance of a Violation Tag the specified penalty as listed on Schedule "A" attached to and forming part of this Bylaw or;
  - b) upon summary conviction to a fine of not less than the amount specified on Schedule "A" attached to and forming part of this Bylaw for each offence, exclusive of costs.
  - c) A Bylaw Enforcement Officer is hereby authorized and powered to issue a Violation Tag to any person who the Bylaw Enforcement Officer has reasonable and probable grounds to believe has Contravened any provision of this Bylaw.
  - d) A Violation Tag may be issued to such Person:
    - i) Personally; or
    - ii) By mailing a copy to such person at his last known post office address; or
    - iii) If being issued to a corporation by serving the Violation Tag personally upon the manager, secretary, receptionist or other officer or person apparently in charge at any

premises of the corporation, or by mailing a copy to such person by registered mail.

- e) The Violation Tag shall be in a form approved by the Chief Administrative Officer and shall state:
  - i) the name of the Person;
  - ii) the municipal or legal description of the land on or near where the offence took place;
  - iii) the offence;
  - iv) the penalty for the offence as set out on Schedule "A" to this Bylaw;
  - v) that the penalty shall be paid within fifteen (15) days of the issuance of the Violation Tag; and
  - vi) any other information as may be required by the Chief Administrative Officer or by the provisions of the Act or the **Provincial Offences Procedure Act**, RSA 2000, C P-34 as amended.
8. Where a contravention of this Bylaw is of a continuing nature, further Violation Tags may be issued by a Bylaw Enforcement Officer provided, however, that no more than one Violation Tag shall be issued for each day that the contravention continues.
9. Where the Violation Tag is issued pursuant to this Bylaw, the Person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the Town the penalty specified on the Violation Tag.
10. Nothing in this Bylaw shall prevent a Bylaw Enforcement Officer from immediately issuing a Violation Ticket.
11. a) In those cases where a Violation Tag has been issued and the penalty or penalties specified on the Violation Tag have not been paid within the prescribed time, a Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, RSA 2000, C P-34, as amended, or as repealed and replaced from time to time.
  - b) Notwithstanding any provision of this Bylaw a Bylaw Enforcement Officer is hereby authorized and empowered, without having first issued a Violation Tag and at the Bylaw Enforcement Officer's discretion, to issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act RSA 2000, C P-34, to any Person who the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

- c) A Violation Ticket issued pursuant to this Bylaw shall be issued in the form and manner specified by the Provincial Offences Procedure Act RSA 2000, C P-34, and any regulations made there under.

**D. SEVERABILITY:**

It is the intention of Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and it is the further intention of Council that if any provision of this Bylaw is declared invalid, all other provisions hereof shall remain valid and enforceable.


**E. EFFECTIVE DATE:**

This Bylaw shall come into force and take effect on the first day of October, 2004.

Read a first time this 3<sup>rd</sup> day of August, 2004.

Read a second time this 7<sup>th</sup> day of September, 2004.

Read a third time and finally passed this 7<sup>th</sup> day of September, 2004.

  
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Mayor

  
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Manager, Administrative Services

**SCHEDULE "A"**

**BYLAW NO. 04/07  
Penalties:**

**Offence:**  
Section 3

**PART I**

For False Alarms generated from premises less than 500 sq. meters:

	<b>Penalty:</b>
First Offence	\$50.00
Second Offence	\$100.00
Third Offence	\$250.00

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**PART II**

For False Alarms generated from premises having a gross floor area of 500 sq. meters or more:

First Offence	\$100.00
Second Offence	\$200.00
Third and Subsequent Offence	\$500.00