

BYLAW 81-2 – CONSOLIDATED

BEING A BYLAW OF THE TOWN OF BANFF, IN THE PROVINCE OF ALBERTA, RESPECTING FALSE ALARMS

WHEREAS the Municipal Government Act, RSA 2000, Chapter M-26 authorizes a council to 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 Banff, in the Province of Alberta, duly assembled, enacts as follows:

CITATION

1. This bylaw may be cited as the “False Alarm Bylaw.”

INTERPRETATION

2. In this bylaw,
 - a) Any reference to a named act is a reference to an Act of the Legislature of Alberta, as amended from time to time;
3. The following definitions will apply to the corresponding words if the first letter of that word is capitalized in this bylaw:
 - a) False Alarm means any notification to any emergency service, including but not limited to the fire department, the Royal Canadian Mounted Police, the ambulance service, 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.
 - b) **Owner** means 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.

Section 3(b) added 2011.11.21 Bylaw 310
 - c) **Peace Officer** means a person appointed under the Peace Officers Act.
 - d) **Person** includes a corporation and the heirs, executors, administrators or other legal representative of a person.
 - e) **Violation Ticket** means any ticket or tag in a form approved by the Town of Banff, authorized under the Provincial Offences Procedures Act, issued for any offence in which a penalty may be paid out of court in lieu of appearing to answer a summons.

PROVISIONS

4. 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.
5. 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.

VIOLATIONS AND ENFORCMENT

6. Any Person or Owner who contravenes the provisions this bylaw is guilty of an offence and is liable for a penalty of \$250 for a first offence, and \$500 for second and subsequent offences.
7. When a Person or Owner is alleged to have contravened any provision of this bylaw, a Peace Officer may issue an Violation Ticket which shall state:
 - a) The nature of the offence;
 - b) The penalty payable in connection with the offence; and
 - c) The time period within which the penalty must be paid.
8. A Violation Ticket shall be deemed to be sufficiently served for the purposes of this bylaw if:
 - a) Served Personally on the accused; or
 - b) Mailed to the address of the Person or Owner concerned;
9. In lieu of prosecution, the Person or Owner named in the Violation Ticket may elect to voluntarily make payment to the Town of Banff of the penalty amount specified in the Violation Ticket.
10. If the payment specified in the Violation Ticket is not paid in accordance with the terms of the ticket and in the time required by the ticket, a prosecution may be commenced for the alleged contravention of this bylaw.
11. Except as otherwise provided in this bylaw, a Person or Owner 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 Two Thousand Five Hundred Dollars (\$2,500.00) or in the event of non-payment of the fine, imprisonment for a period not exceeding ninety (90) days unless such fine is sooner paid.

ENACTMENT/TRANSITION

12. Bylaw 81-1 is repealed upon this bylaw coming into force.
13. This bylaw comes into force when it receives third reading and is signed by the Mayor and the Town Manager or designates.

Read a first time this 23rd day of April, 2007.
Read a second time this 23rd day of April, 2007.
Read a third time this 23rd day of April, 2007.

Approved on behalf of the Town of Banff:

John Stutz
Mayor

2007.04.25

Date

Robert Earl
Town Manager

2007.04.30

Date