

**BYLAW NUMBER 60M2016**

**BEING A BYLAW OF THE CITY OF CALGARY  
TO AMEND BYLAW 31M95,  
THE ALARM SERVICES BYLAW**

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**WHEREAS** Council has considered CPS2016-0865 and deems it necessary to amend Bylaw 31M95, The Alarm Services Bylaw;

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:**

1. Bylaw 31M95, The Alarm Services Bylaw, as amended, is hereby further amended.
2. In section 2:
  - (a) in subsection 2(1)(e) the words "a signal or message" are deleted and replaced with "a video or audio signal, or both, or any other message";
  - (b) the following is added after subsection 2(1)(e) as subsection 2(1)(e.1):

"(e.1) *"alarm system permit"* or *"permit"* means a permit issued pursuant to section 25.2 of this Bylaw;"
  - (c) subsection 2(1)(f) is deleted and replaced with the following:

"(f) *"audible alarm"* means an alarm system which generates an audible sound on the premises when it is activated but does not transmit a signal or message to another premises;"
  - (d) in subsection 2(1)(j):
    - (i) the word "him" is deleted and replaced with "the Chief"; and
    - (ii) the word "his" is deleted and replaced with "the Chief's";
  - (e) subsection 2(1)(l) is deleted and replaced with the following:

"(l) *"false alarm"* means a signal from an alarm system that results in a request to the Calgary Police Service to attend at a premises but where investigation, law enforcement or other emergency services customarily provided by the Calgary Police Service are not required;"

(f) subsection 2(1)(o) is deleted and replaced with the following:

“(o) *"monitored alarm system"* means an alarm system which is intended to transmit a video or audio signal, or both, or any other message when it is activated to:

(i) the occupant of the premises; or

(ii) a *person* who is in the business of receiving that signal or message;

regardless of whether the alarm system generates an audible sound on the premises;”;

and

(g) subsection 2(1)(p) is deleted.

3. In section 19, after the word “Bylaw”, the words “, except the provisions regarding alarm system permits and false alarms contained in sections 25 to 25.16 and section 26.1,” are added.

4. Section 25 is deleted and replaced with the following:

**“ALARM PERMITS**

25. A person must not use an alarm system at a premises unless there is a valid and subsisting alarm system permit issued for each alarm system at that premises.

**APPLICATION FOR AN ALARM PERMIT**

25.1 (1) An applicant for an alarm system permit must make application to the Chief of Police on a form supplied by the Chief of Police furnishing such information as the Chief of Police may require.

(2) A permittee must provide such additional information as the Chief of Police may request from time to time.

**ISSUANCE OF ALARM PERMITS**

25.2 (1) The Chief of Police is authorized to issue alarm system permits.

(2) An alarm system permit is not valid unless it includes:

(a) the personal signature of the Chief of Police; or

(b) the mechanically reproduced signature of the Chief of Police.

- (3) An alarm system permit must be issued in the names of the person or persons who occupy the premises where the alarm system is installed.

**TRANSFER OF ALARM PERMITS**

25.3 An alarm system permit cannot be transferred or assigned.

**TERM OF ALARM PERMIT**

- 25.4 (1) An alarm system permit is issued for a term set by the Chief of Police with the approval of the Calgary Police Commission.
- (2) An alarm system permit commences on the date designated by the Chief of Police.
- (3) An alarm system permit is valid until the date specified on the permit, unless earlier suspended or revoked by the Chief of Police pursuant to section 25.6.

**ALARM PERMIT FEE**

25.5 The fee payable for an alarm system permit shall be set by the Chief of Police with the approval of the Calgary Police Commission.

**REFUSAL, SUSPENSION AND REVOCATION OF ALARM PERMITS**

- 25.6 The Chief of Police may refuse to issue or may suspend or revoke any alarm system permit if:
- (a) the application for the permit fails to provide all information required by the Chief of Police pursuant to section 25.1;
- (b) where the alarm system is administered by an alarm agency, the alarm agency is not licenced pursuant to this Bylaw;
- (c) the permittee has contravened any provision of this Bylaw; or
- (d) the alarm system for which the permit is issued generates excessive false alarms, as set out in section 25.15.

**NOTICE OF REFUSAL, SUSPENSION OR REVOCATION**

25.7 If the Chief of Police:

- (a) refuses to issue an alarm system permit to any person; or
- (b) suspends or revokes the alarm system permit held by any person;

the Chief of Police must notify such person of the refusal, suspension or revocation by causing a notice in writing to be sent by regular mail or email to

that person at the address or email address set out on the application for the permit or the permit.

**APPEAL OF REFUSAL, SUSPENSION OR REVOCATION**

- 25.8 (1) A person who has been refused an alarm system permit or whose alarm system permit has been suspended or revoked may, within 30 days of the date of the written notice of decision of the refusal, suspension or revocation, appeal the refusal, suspension or revocation to the Licence and Community Standards Appeal Board by notifying the City Clerk in writing of his or her intention to appeal and the provisions of the Licence and Community Standards Appeal Bylaw, as amended, shall apply, as the circumstances require, to the appeal.
- (2) When a suspension or revocation is appealed in accordance with subsection (1), the suspension or revocation shall be automatically stayed until the next sitting of the Licence and Community Standards Appeal Board.
- (3) If the appeal is not determined at the next sitting of the Licence and Community Standards Appeal Board, the Board may order that the stay of the suspension or revocation continue in place for a further period of time.

**REGISTRATION OF ALARM AGENCIES**

- 25.9 Any alarm agency that installs or monitors, or both, alarm systems within the City of Calgary must register with the Calgary Police Service by using a form prescribed by the Chief of Police.

**ALARM SYSTEMS**

- 25.10 (1) The Chief of Police may prescribe minimum standards for the installation and maintenance of all alarm systems installed in the City.
- (2) A person must not install, maintain or use an alarm system which does not meet all of the standards prescribed by the Chief of Police.
- (3) Notwithstanding the provisions of subsections (1) or (2) every alarm system installed within the City of Calgary shall be listed by or approved by a testing authority authorized by the Standards Council of Canada.

**NOTICE OF CONTACT PERSONS**

- 25.11 (1) Every person maintaining an alarm system shall keep the Chief of Police informed, by notice in writing, of the names and telephone numbers of:
- (a) at least two individuals who do not reside at the premises at which the alarm system is installed; or

- (b) an alarm agency or other person that is in the business of providing security services and responding to alarms;

who may be contacted in the event that the alarm system is activated.

- (2) The persons to be contacted pursuant to subsection (1):
  - (a) must be available to receive telephone calls made in respect of the alarm system;
  - (b) must be capable of affording access to the premises where the alarm system is located; and
  - (c) must attend at the premises where the alarm system is located within 30 minutes of being requested to do so by a member of the Calgary Police Service.

### **AUDIBLE ALARMS**

- 25.12 (1) Every person maintaining an audible alarm must keep posted a notice in a form approved by the Chief of Police containing such information as the Chief of Police may from time to time require.
- (2) Such notice shall be posted near the audible alarm in such a position as to be legible from the ground level adjacent to the premises where the audible alarm is located.
- (3) A person must not install, maintain or use an audible alarm that sounds continually for a period of greater than 15 minutes after any activation.

### **MONITORED ALARMS**

- 25.13 (1) When a person monitoring a monitored alarm receives an alarm from such system such person must, before informing any member of the Calgary Police Service that the monitored alarm has been activated, attempt to contact either:
  - (a) both individuals referred to in section 25.11(1)(a); or
  - (b) the person referred to in section 25.11(1)(b).
- (2) Subsection (1) does not apply to a monitored alarm installed in a bank, trust company, credit union or other financial institution.
- (3) A person must not inform any member of the Calgary Police Service that a monitored alarm has been activated unless a valid and subsisting alarm system permit exists in respect of that alarm system.
- (4) A person who monitors a monitored alarm and who informs any member of the Calgary Police Service that the monitored alarm has been activated must:

- (a) at the same time inform such member of the Calgary Police Service of:
    - (i) the alarm system permit number for such system; and
    - (ii) where the person monitoring the monitored alarm is an agent, the registration number of the alarm agency;
  - (b) cause a person capable of affording access to the premises where the monitored alarm system is located to attend at such premises within 30 minutes of so informing such member of the Calgary Police Service of the activation.
- (5) An agency must not inform any member of the Calgary Police Service that a monitored alarm system has been activated unless such agency is licensed pursuant to this Bylaw and has registered with the Calgary Police Service pursuant to section 25.9.
- (6) A person must not notify the Calgary Police Service concerning the activation of any alarm by a monitored alarm system within 14 days of:
- (a) the installation of a new monitored alarm system; or
  - (b) changes to an existing monitored alarm system;
- unless the alarms generated by that system are confirmed to be valid alarms by a person who attends at the location of the alarm prior to the Calgary Police Service being requested to attend at the premises where the alarm has been activated.

#### **AUTOMATIC CALLING DEVICES**

25.14 A person must not 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 Calgary Police Service and includes the emergency telephone number "9-1-1".

#### **EXCESSIVE FALSE ALARMS**

- 25.15 (1) For the purpose of this Bylaw, "excessive false alarms" means 3 or more false alarms in any 12 month period.
- (2) The following shall not be included when computing the number of false alarms which have occurred for the purposes of subsection (1) and when determining whether a false alarm penalty is payable pursuant to section 26.1:
- (a) any false alarm which the permittee can demonstrate was caused by a storm, lightning, earthquake or other violent act of nature; or

- (b) any false alarm which the permittee can demonstrate was actually caused by the act of some person other than:
  - (i) the permittee including the permittee's officers, agents, employees, independent contractors or any other person subject to the direct or indirect control of the permittee;
  - (ii) the person who installed, connected, operated, maintained or serviced the alarm system; or
  - (iii) 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.
- (3) Despite the provisions of subsection (1) in the event that an alarm system permit is suspended or revoked, any false alarm which occurred prior to the suspension or revocation shall not be included when determining whether the alarm system activates excessive false alarms in a subsequent proceeding taken pursuant to subsection 25.6(d).

**INSPECTION**

- 25.16 (1) Where an alarm system activates excessive false alarms the Chief of Police may, by notice in writing, require the permittee to have the alarm system inspected by a person knowledgeable in the installation and use of alarm systems.
- (2) Within 30 days of issuance of the notice referred to in subsection (1) a permittee shall provide the Chief of Police with a report in writing, in the form prescribed by the Chief of Police, verifying that the inspection has been carried out and indicating the results of the inspection.
- (3) If the report referred to in subsection (2) indicates, in any way, that the alarm system is malfunctioning due to a fault or deficiency in the alarm system, the permittee shall forthwith remedy such fault or deficiency.
- (4) If the permittee fails to provide a satisfactory inspection report as required by this section the Chief of Police may suspend or revoke the alarm system permit."

5. Section 26.1 is deleted and replaced with the following:

**"FALSE ALARM PENALTY**

- 26.1 (1) There is hereby imposed a false alarm penalty as set out in Schedule "B" payable by an agency to the Calgary Police Service for each false alarm communicated to the Calgary Police Service by the agency in any 12 month period.

- (2) Where the Calgary Police Service 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(1)(l) and 25.15(2), that the alarm signal was a false alarm and that a false alarm penalty is payable, the Chief of Police may send a notice in writing or by email to the agency notifying it of the penalty.
- (3) An agency must pay the false alarm penalty imposed within 6 weeks after the date of the written notification.
- (4) 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 6 weeks of the date of the issuance of the notice, apply for a review of the determination that a false alarm penalty is payable by notifying the Calgary Police Service, in writing, of the agency's application for review, and by delivering the notification to the Calgary Police Service in accordance with the instructions contained within the false alarm penalty notice prepared and delivered to the agency pursuant to subsection (2).
- (5) Where the Calgary Police Service receives a written notification for review delivered pursuant to subsection (4), the Chief of Police must, within 45 days, review the determination that a false alarm penalty is payable, having regard to all the circumstances made known to the Chief of Police which are relevant to the subject alarm activation, and having regard to the provisions of sections 2(1)(l) and 25.15(2).
- (6) When a review is proceeding pursuant to subsection (5), the imposition of the false alarm penalty shall be automatically stayed until such time as the review is completed.
- (7) Upon completion of a review pursuant to subsection (5), the Chief of Police shall notify the agency of the result of the review by causing a notice in writing to be sent by regular mail or by email to the agency at its last known address.
- (8) Where the result of a review commenced pursuant to subsection (5) is the confirmation of the imposition of the false alarm penalty, the agency must pay the penalty within 30 days after the date of the notification sent to the agency pursuant to subsection (7)."



6. The following is added after Schedule “A” as Schedule “B”:

**“SCHEDULE “B”**

**FALSE ALARM PENALTY**

<b><u>Number of False Alarms</u></b> (in a 12 month period)	<b><u>Penalty</u></b>
1	\$0
2	\$75
3	\$150
4	\$225
5	\$300
6	\$375
7	\$450
8	\$525
9	\$600
10 or more	\$675”

PROPOSED

7. (1) This Bylaw comes into effect on January 1, 2017.

(2) Despite subsection (1), sections 5 and 6 come into effect on March 1, 2017.

READ A FIRST TIME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2016.

READ A SECOND TIME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2016.

READ A THIRD TIME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2016.

\_\_\_\_\_  
MAYOR  
SIGNED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2016.

\_\_\_\_\_  
CITY CLERK  
SIGNED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2016.