

ALARM BYLAW

Effective date: April 14/97

BEING A BYLAW OF THE CITY OF CHARLOTTETOWN WITH RESPECT TO ALARMS, PURSUANT TO THE PROVISIONS OF SECTION 64 OF THE CHARLOTTETOWN AREA MUNICIPALITIES ACT, R.S.P.E.I., 1988 CAP. C-4.1.

WHEREAS The Charlottetown Police Department has identified a problem with alarms requiring a response by City Personnel being falsely activated and on occasion frequently falsely activated;

AND WHEREAS in addition to posing a threat to the safety of Police Officers and the public by creating unnecessary hazards, false alarms result in considerable unnecessary expense and are a nuisance.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTETOWN AS FOLLOWS:

PART I: DEFINITIONS:

1. In this bylaw:

- 1.1 **“Alarm System”** - means any mechanical, electrical, or electronic device which is designed or used for the detection of an unlawful act in, or unauthorized entry into, a building, structure or facility and which emits a sound or transmits a signal or message when actuated but does not include:
- (a) a device which is not audible, visible, perceptible outside of the protected building, structure or facility; or
 - (b) a device that is installed in a “motor vehicle” as defined in the “Highway traffic Act” R.S.P.E.I. CAP 1988; or
 - (c) A personal alerting device carried on ones person.
- 1.2 **“Audible Alarm System”** - means an alarm system which generates an audible sound only in, on or about the premises where it is located when it is actuated.

ALARM BYLAW

- 1.3 **“Automatic Calling Device”** - means any device, or combination of devices, that will upon actuation, either mechanically, electronically, or by any other means, initiate a telephonic or recorded message which is designed to transmit over regular telephone lines.
- 1.4 **“Chief of Police”** - means the Chief of Police for the City of Charlottetown or his designate.
- 1.5 **“City”** - means the City of Charlottetown.
- 1.6 **“Excessive False Alarms”** - means three (3) or more false alarms in any six (6) calendar months.
- 1.7 **“False Alarm”** - means the actuation of an alarm system resulting in a response by the Charlottetown Police Department, where there has been no unauthorized entry or commission of an unlawful act on the premises.
- 1.8 **“Monitored Alarm System”** - means an alarm system, excluding an audible alarm, which when actuated transmits a sound, or signal or message to a location where personnel are in attendance at all times and one of whose functions it is to notify the Police Department of the alarm system being actuated.
- 1.9 **“Police Officer”** - means and includes any Constable, Cadet, Inspector, Special Constable or Police Commissionaire employed or appointed under the provision of the Policing Services Bylaw of the City of Charlottetown.
- 1.10 **“Person”** - includes:
- (a) A person managing the subject property for the registered owner;
 - (b) A tenant, lessee, or other person in possession or occupancy of the subject property;
 - (c) An executor, administrator, trustee, agent or other person managing the subject property for the registered owner;
 - (d) When used in reference to real property, includes a person assessed for the property pursuant to the Real Property Assessment Act, R.S.P.E.I. 1988, CAP. R-4.
- 1.11 **“Personal Alerting Device”** - means any device carried on one’s person that when activated is designed to emit a sound or transmit a signal or message.

2. AUDIBLE ALARM SYSTEM

ALARM BYLAW

- 2.1 Every person maintaining an audible alarm system shall keep the Chief of Police informed by notice in writing, of the name, address and telephone number of at least two persons at different locations to be contacted in the event that the audible alarm system is actuated.
- 2.2 At least one of the persons to be contacted pursuant to section 2.1 shall always:
 - (a) be available to receive telephone calls from the Police Department made in respect of the audible alarm system;
 - (b) be capable of affording access to the premises where the audible alarm system is located; and
 - (c) attend the premises where the audible alarm is located within thirty (30) minutes of being requested to do so by a police officer or police dispatch personnel.
- 2.3 No person shall install, maintain, or use an audible alarm system that is capable of being sounded continually for a period of greater than fifteen (15) minutes after each actuation;
- 2.4 Where such premises contain both an audible and monitored alarm system, the provisions of this bylaw relating to a monitored alarm system shall apply.

3. MONITORED ALARM SYSTEM

- 3.1 When personnel attending a monitored alarm system receives an alarm from such system, during those hours when the premises is normally occupied, such personnel shall, before advising the Charlottetown Police Department of the alarm, attempt to verify by telephoning the said premises that the alarm is not a false alarm;
- 3.2 Subsection 3.1 does not apply to a monitored alarm system installed in a bank, trust company or credit union;

ALARM BYLAW

- 3.3 Personnel attending a monitored alarm system and who inform the Charlottetown Police Department that the monitored alarm system has been actuated shall notify the person capable of affording access to the premises where the monitored alarm system is located to attend at such location premises within thirty (30) minutes from the time the Charlottetown Police Department has been informed of the alarm actuation.
- 3.4 In the event personnel attending a monitored alarm system is unable to notify a person pursuant to subsection 3.3 within ten (10) minutes, the police officer(s) assigned, shall not, upon inspecting the exterior of the premises and finding nothing amiss, remain at the premises.

4 GENERAL

- 4.1 It shall be an offense for any person to use, maintain or program or permit the use, maintenance or programming of any automatic calling device to transmit any message to any telephone number assigned to the Charlottetown Police Department concerning any unauthorized entry into a building, structure or facility or the commission of any unlawful act or requesting police assistance. This restriction does not apply to alarm systems installed by or for the Charlottetown Police Department or other Departments of the City of Charlottetown, for investigational purposes or for the monitoring their own facilities.
- 4.2 No person shall operate or maintain an audible or monitored alarm system that actuate excessive false alarms.
- 4.3 Any person, who possesses an audible or monitored alarm system, which according to Charlottetown Police Department records, generates excessive false alarms, as defined by the provisions of this Bylaw, is guilty of an offense and is liable to upon summary conviction to a fine of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00)
- 4.4 For the purposes of this Bylaw, the following shall not be included when recording the number of false alarms:
- (a) any false alarm which is demonstrated to have been the caused by a storm, lightening, fire, earthquake or other act of God; or

ALARM BYLAW

- (b) any false alarm where it can be demonstrated to have been caused by some person other than the occupier, the occupier's agents, employees, independent contractors or any other persons subject to the direct or indirect control of the occupier.

4.5 In any prosecution for an offense under this Bylaw:

- (a) prima facie proof of the number of false alarms received by the Charlottetown Police Department in a given period and at a particular location, may be made by a certificate purported to be signed by the Chief of Police or his designate setting out the date, location and number of false alarms and where the name in the certificate is the same as the name of the person charged with the offense, it shall be prima facie proof that he is the person named in the certificate.
- (b) a certificate, referred to in subsection (a) herein, purported to be signed by the Chief of Police or his designate shall be received in evidence by any Court in the province without proof of the signature thereon.
- (c) a copy of any writing, paper or document filed in the Court or any statement containing any information from the records of the Department of the Minister appointed pursuant to the provisions of the *Real Property Assessment Act*, R.S.P.E.I. 1988, Cap. R-4 shall be received in evidence in Court without proof of signature and is prima facie evidence of the facts contained therein as to the name of the owner of the real property and the corresponding civic address,
- (d) an engraved, lithographed, printed or otherwise mechanically reproduced facsimile signature of the Minister or his representative is sufficient authentication of any such copy or statement.

5 PENALTY

- 5.1 Except where otherwise provided, any person who contravenes any provision of this Bylaw is guilty of an offense and is liable upon summary conviction to a fine of not less than one hundred (\$100.00) and not more than one thousand dollars (\$1,000.00).
- 5.2 Where a conviction has been entered under this Bylaw and a fine assessed against the person, failure to satisfy the assessed penalty, by the date

ALARM BYLAW

specified by the Court, will result in notification from the office of the Chief of Police of a suspension of response service to future alarm complaints by the Charlottetown Police Department.

ALARM BYLAW

SCHEDULE "A"

FINES ASSESSMENT

| <u>SECTION</u> | <u>OFFENCE</u> | <u>MINIMUM</u> | <u>MAXIMUM</u> |
|-----------------------|------------------------|-----------------------|-----------------------|
| 4.3 | Excessive False Alarms | \$100.00 | \$500.00 |
| 5.1 | All other offenses | \$100.00 | \$1,000.00 |

ALARM BYLAW

| Amendment Summary | Previous Wording | Amendment Detail | 1st Reading | 2nd Reading | 3rd Reading |
|--------------------------|-------------------------|--|--------------------|--------------------|--------------------|
| New Bylaw | <i>nothing</i> | New Bylaw effective April 14, 1997 to address concerns of officer safety and promote better utilization of police department resources | 10-Mar-97 | 14-Apr-97 | 14-Apr-97 |