



OFFICE CONSOLIDATION

BYLAW NUMBER 31M95

**BEING A BYLAW OF THE CITY OF CALGARY
TO LICENSE AND REGULATE ALARM AGENTS
AND ALARM AGENCIES AND TO REGULATE
AND CONTROL INTRUSION ALARM SYSTEMS
AND TO REQUIRE PERMITS THEREFOR

(Amended by Bylaw Numbers 66M95, 34M97, 5M99, 52M99, 37M2000, 40M2003, 40M2005, 50M2005, 60M2005, 61M2005, 57M2008, 58M2008)

WHEREAS professionally installed and monitored intrusion alarm systems are useful instruments in deterring crime and in providing peace of mind for the users of such systems;

AND WHEREAS the Calgary Police Service has determined, through the collection and analysis of statistics relating to alarm responses, that many alarms have been falsely activated on a frequent basis;

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 WHEREAS the Municipal Council of the City of Calgary deems it advisable to license and regulate businesses that supply, monitor, repair and respond to such alarm systems;

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

TITLE

1. This Bylaw may be cited as "The Alarm Services Bylaw".

INTERPRETATION

2. In this Bylaw unless the context otherwise requires:
 - (1) "agency" means an alarm agency or a security consulting agency or both;
 - (a) "agent" means an alarm agent or security consultant when employed or engaged under license issued by this Bylaw.
 - (b) "alarm agency" means a person or body corporate who, for hire or reward,
 - (i) sells, supplies, provides or installs or offers to install alarm systems,
 - (ii) is in the business of monitoring alarm systems,

BYLAW NUMBER 31M95

- (iii) is in the business of responding to alarms,
 - (iv) repairs or maintains alarm systems that are installed on the property of another.
- (c) "*alarm agent*" means any person employed or engaged within the City by an alarm agency whose duties include the altering, installing, maintaining, moving, repairing, replacing, selling, servicing, recommending, specifying, responding to or monitoring of an alarm system.
- (d) "*alarm system*" means any mechanical or electrical device which is designed or used for the detection of an unauthorized entry into a premises, building, structure or facility or for alerting others of the commission of an unlawful act, or both, and which emits a sound or transmits a signal or message when activated but does not include:
- (i) a device that registers an alarm that is not audible, visible or perceptible outside of the protected premises, building, structure or facility, or
 - (ii) a device that is installed in a vehicle.
- (e) "*audible alarm*" means an alarm system designed or used for the detection of unauthorized entry onto premises and which generates an audible sound on the premises when it is activated.
- (f) "*automatic calling device*" means any device, or combination of devices, that will upon activation, either mechanically, electronically or by any other automatic means, initiate a telephonic or recorded message or any other signal intended to alert another person of a security occurrence or the existence of an emergency situation and which is designated to be transmitted over regular telephone lines but does not include a device commonly referred to as a telephone.
- (g) "*Board*" means the License Appeal Board.
- (h) "*Chief License Inspector*" means the Chief Executive Officer of The City or his designate.
- (i) "*Chief of Police*" means the Chief of Police of The City of Calgary or a member or employee of the Calgary Police Service designated by him to act on his behalf with respect to this Bylaw.
- (j) "*City*" means The City of Calgary a municipal corporation in the Province of Alberta and where the context so requires means the area contained within the corporate boundaries of the said municipality.
- (k) "*false alarm*" means an alarm signal necessitating response by the Calgary Police Service where crime investigation, law enforcement and other emergency services usually provided by the Police Service are not required.

BYLAW NUMBER 31M95

- (l) "*license*" means a license issued under this Bylaw.
- (m) "*licensee*" means the holder of a license issued under this Bylaw.
- (n) "*monitored alarm system*" means an alarm system which is intended to send a signal to a person who is in the business of receiving that signal.
- (o) "*permit*" means an alarm system permit issued pursuant to section 25 of this Bylaw.
- (p) "*permittee*" means the holder of an alarm system permit.
- (q) "*person*" means a natural person, an association of natural persons, a partnership or a corporation.
- (r) "*security consultant*" means a person engaged or employed for gain or reward by a security consulting agency and who advises and consults on security systems for premises or other property.
- (s) "*security consulting agency*" means the business of providing the services of security consultants.
- (t) "*vehicle*" means a device designed or intended to be used for the transportation of persons or things.

(B/L 5M99, 1999 March 22)
(B/L 52M99, 1999 October 4)

APPLICATION FOR LICENSES

- 3. (1) (a) All applications for licenses or renewal of licenses under this Bylaw shall be made to the Chief License Inspector in a form prescribed by the Inspector.
- (b) An applicant for a license under this Bylaw:
 - (i) shall be at least eighteen (18) years of age in the case of an applicant for an agency license issued under this Bylaw,
 - (ii) shall be of good character, and
 - (iii) shall be a Canadian citizen or a person lawfully admitted to Canada for permanent residence and ordinarily resident in Canada.
- (c) An applicant for a license or renewal of a license as an alarm agency or security consulting agency shall forward to the Chief License Inspector an application for such license or renewal of such license.
- (d) An applicant for a license or renewal of a license as an alarm agent or security consultant shall forward to the Chief License Inspector an application for such license or renewal of such license.

BYLAW NUMBER 31M95

- (2) In the consideration of all applicants under subsection (1) the Chief License Inspector shall consider the recommendation of the Chief of Police or his designate.
- (3) An application for a license as an alarm agency or security consulting agency shall be made, in the prescribed form, to the Chief License Inspector and shall be accompanied by:
 - (a) an affidavit or declaration of
 - (i) the applicant, or
 - (ii) where the applicant is a partnership, of each of the partners, or
 - (iii) where the applicant is a corporation, by the local manager or a director of the corporation showing what, if any, criminal convictions or criminal charges there are against the applicant, the partnership, any members of the board of directors or local managers of the corporation.
 - (b) the prescribed license fee, and such other information as may be required by the Chief License Inspector.
- (4) An application for a license as an
 - (a) alarm agent, or
 - (b) security consultantwhen requested by the Chief License Inspector, shall be accompanied by:
 - (i) an affidavit or declaration of the applicant showing what, if any, criminal convictions or criminal charges and outstanding judgements are against him.
 - (ii) a letter signed by the employing or engaging agency in the case of an agent application stating the capacity in which the applicant will be employed by the agency.

LICENSES

4. Licenses issued by the Chief License Inspector shall be:
 - (1) alarm agency license;
 - (2) alarm agent license;
 - (3) security consulting agency license; and
 - (4) security consultant license.

REQUIREMENT FOR LICENSE

5. (1) Reference to a license in this Bylaw shall mean a license granted to alarm agencies, security consulting agencies, alarm agents, and security consultants. For the purposes of this Bylaw, a person is engaged or employed in the services of an agency when such services are available
- from the agency to more than one person or involve more than one location.
- (2) (a) No person shall engage in the business of an alarm agency or a security consulting agency without possessing a valid license issued under this Bylaw.
- (b) No person shall act as an alarm agent or security consultant without possessing a valid license for such activity issued under this Bylaw.

IDENTIFICATION

6. An applicant for a license shall produce, when requested by the Chief License Inspector, or his designate, two (2) pieces of identification as proof that the person is the person named in the application.

ISSUE OF LICENSE

7. (1) The Chief License Inspector may make such inquiries and investigations as he considers necessary regarding each application for a license and may issue or not issue the license applied for where in his opinion such action is in the public interest.
- (2) Where a license for an alarm agency or security consulting agency has been issued, the Chief License Inspector, or a person appointed by him, may make periodic inspections or inquiries of the licensee to determine whether the provisions of this Bylaw are being adhered to by such licensee.
- (3) A license for an alarm agency or security consulting agency is not transferable or assignable.
- (4) No person, other than the licensee to whom a license has been issued under this Bylaw shall have in his possession or display any license issued under this Bylaw.

EXPIRY OF LICENSE

8. (1) Subject to subsection (2) of this section, a license issued pursuant to this Bylaw expires on the date set out on the license unless sooner cancelled.

- (2) The license of an agent
 - (a) is terminated upon his ceasing to be employed as an agent, or
 - (b) is suspended, or cancelled as the case may be, upon the suspension or cancellation of the agency license of his employer.
 - (c) must be reapplied for and re-issued on change of employment except where such agent remains continuously employed by an alarm agency or security consulting agency following the issuance of the agent's license.
 - (d) is not assignable or transferable.

SUSPENSION, CANCELLATION OR REFUSAL OF LICENSE

- 9. (1) The Chief License Inspector may, after providing an opportunity for the affected person to be heard, refuse to issue or renew, or may suspend or revoke the license of an alarm agency or security consulting agency or applicant for such license, where the licensee or applicant, or one of the partners, managers or directors of the licensee or applicant:
 - (a) is convicted of any criminal offence which relates to the holding of the license such that, in the opinion of the Chief License Inspector, the person is not fit to hold or continue to hold the license,
 - (b) is charged with a criminal offence which relates to the holding of the license such that, in the opinion of the Chief License Inspector, it is inappropriate for the licensee or applicant to hold or continue to hold a license,
 - (c) is convicted of a contravention of this Bylaw,
 - (d) fails to pay a judgement against himself for damages sustained by reason of an act or omission of his or of an employee of his, done or occurring in or in connection with the business or employment in respect of which the license is held or application is made,
 - (e) has made an untrue statement
 - (i) in his application for a license, or
 - (ii) in information required by or provided to the Chief License Inspector,
 - (f) refuses to produce to the Chief License Inspector any information required pursuant to this Bylaw,

BYLAW NUMBER 31M95

- (g) is not, in the opinion of the Chief License Inspector, a fit or proper person to hold a license.
 - (h) has failed to pay any false alarm penalty levied against such agency pursuant to Section 26.1 within the time allowed for the payment of such penalties.
- (2) The Chief License Inspector may refuse to issue or renew, or may suspend or cancel an agent's license, where the applicant or licensed agent
- (a) is convicted of any criminal offence which relates to the holding of the license such that, in the opinion of the Chief License Inspector, the person is not fit to hold or continue to hold the license,
 - (b) is charged with a criminal offence which relates to the holding of the license such that, in the opinion of the Chief License Inspector, it is inappropriate for the licensee or applicant to hold or continue to hold a license,
 - (c) is convicted of a contravention of this Bylaw,
 - (d) has made an untrue statement
 - (i) in his application for a license, or
 - (ii) in information produced to the Chief License Inspector,
 - (e) refuses to produce to the Chief License Inspector any information required pursuant to this Bylaw,
 - (f) is not, in the opinion of the Chief License Inspector, a fit or proper person to hold a license.
- (B/L 5M99, 1999 March 22)
- (3) Every applicant for renewal of a license issued under this Bylaw shall apply to the Chief License Inspector in accordance with this Bylaw and not less than sixty (60) days prior to the expiration of the existing license.

COMPLAINTS

10. (1) Any person, including any member or employee of the Calgary Police Service, may make a complaint in writing to the Chief License Inspector, respecting the carrying on of the business or providing of the services licensed under this Bylaw.
- (2) Upon receipt of a complaint in writing, the Chief License Inspector shall have the complaint investigated. Where it is determined the complaint may be well founded, the nature of the complaint and reasonable notice of a hearing conducted by the Chief License Inspector shall be given to the person whose license or right to a license may be affected.

BYLAW NUMBER 31M95

- (3) After extending to the licensee the opportunity to be heard and to be represented by counsel, the Chief License Inspector may suspend or revoke the license where the Chief License Inspector is satisfied on reasonable grounds that:
 - (a) the licensee has abused or exceeded his authority or has improperly conducted himself in the execution of his employment or business as defined in this Bylaw,
 - (b) the licensee is in breach of any term or condition of this Bylaw,
 - (c) it is in the public interest to do so, or
 - (d) the character, conduct or state of health of the licensee is such that he is not a fit person, in the opinion of the Chief License Inspector, to hold a license.
- (4) Where the Chief License Inspector receives a complaint in respect of the carrying on of any business or service licensed under this Bylaw, he may require the person carrying on the business or service to furnish him with information in respect of the matter complained of.
- (5) The Chief License Inspector, on his own motion, may investigate or cause to be investigated the activities of any licensee that are related to this Bylaw and may suspend or revoke a license for any reason as set out in this Bylaw.

APPEAL FROM SUSPENSION, CANCELLATION OR REFUSAL

11. (1) Where the Chief License Inspector refuses to issue or renew a license, or has suspended or proposes to suspend or cancel an existing license under this Bylaw, he shall forthwith inform the applicant or licensee by registered mail of his decision and reasons therefore. The applicant or licensee shall be informed in writing that he may within thirty (30) days after the decision, submit a request in writing to the City Clerk requesting an appeal of the Chief License Inspector's decision.
- (2) The Chief License Inspector may, by notice in writing served on a licensee and without a hearing, provisionally refuse to renew or suspend or revoke his license where in the opinion of the Chief License Inspector it is necessary to do so for the immediate protection of the public and the Chief License Inspector so states in such notice giving his reasons therefore.
- (3) Notification of a decision of the Chief License Inspector under Subsections (1) and (2) may be sent to a person who is not a licensee by registered mail to the last known address of the person.
- (4) The License Appeal Board shall hear an appeal by way of a new hearing to determine whether the license should be issued, renewed, suspended or revoked and may, after the hearing, confirm, vary or alter the decision of the Chief License Inspector or direct the Chief License Inspector to do any act he is authorized to do under this Bylaw and as the Board considers proper and, for such purpose, the Board may substitute its opinion for that of the Chief License Inspector.

BYLAW NUMBER 31M95

- (5) The Chief License Inspector, the appellant and such other persons having a direct and immediate interest in the outcome of the appeal as are recognized by the Board are parties to any proceedings before the Board.
- 11.1 (1) Where the Chief Licence Inspector has suspended, revoked, or cancelled an existing licence under this Bylaw then, unless such suspension, revocation or cancellation is overturned in whole by the licence Appeal Board, the licensee shall pay a reinstatement fee of ONE THOUSAND (\$1,000.00) DOLLARS as a condition of any reinstatement or renewal of the licence, including any reinstatement upon the conclusion of a suspension for a fixed term, and prior to receiving a licence if the licensee applies for a new licence.
- (2) Notwithstanding subsection (1), where the licence was suspended, revoked, or cancelled by the Chief Licence Inspector pursuant to subsection 10(5) of this Bylaw, the reinstatement fee shall be **THREE HUNDRED DOLLARS (\$300.00)**.
- (3) A reinstatement fee is not refundable.

(B/L 40M2005, 2005 July 25)

DISPLAY OF LICENSE

12. (1) The holder of an alarm agency license or security consulting agency license issued under this Bylaw shall display his license in a conspicuous position in the principal office of the agency and copies thereof in all branch offices or places in the City where he is engaged or carries on the business in respect of which the license is issued.
- (2) Each person in charge of or employed in an office or place of business of an alarm agency or security consulting agency licensed under this Bylaw, other than in the principal office or place of business, shall upon the request of any person, inform that person of the address or location of the office or place of business in the City in which the license is displayed.
- (3) The license of agents shall be filed in the office of the agency which engages or employs them. The identification data card accompanying the agent's license must be issued to the agent forthwith upon receipt by the agency.

RECORDS

13. The holder of an alarm agency or security consulting agency license issued under this Bylaw, or his designate, shall keep complete records of the names and addresses of all agents acting for or employed by the holder in the carrying on of the business in respect of which the agency license is held, and shall retain these records for a minimum of five (5) years and shall produce these records for inspection at any time on the request of the Chief License Inspector, or his designate, during regular business hours.

CONFIDENTIAL INFORMATION

14. (1) Except as legally authorized or required, a person who holds or has held a license under this Bylaw shall not divulge to anyone other than a client, any other person with the consent of the client, or employees of the agency, any information acquired by him in the course of the business or employment in respect of which the license is or was held.
- (2) No person engaged in the administration of this Bylaw shall disclose or be compelled to disclose any information or record respecting the licensee or any applicant for a license except:
 - (a) where disclosure is necessary in the administration of this Bylaw.
 - (b) in court proceedings,
 - (c) in proceedings in a hearing before the Chief License Inspector or the License Appeal Board, or
 - (d) as required by law.
- (3) No person employed by an alarm agency or security consulting agency in a capacity other than as an agent shall divulge information acquired by him in the course of his employment other than to his employer or otherwise as required by law.

IDENTIFICATION

15. (1) No person shall have in his possession or display any badge, shield, card or other object purporting to indicate that he is licensed under this Bylaw except the prescribed identification card issued to him under this Bylaw.
- (2) Any document issued under this Bylaw purporting to be signed by the Chief License Inspector, or any certified copy thereof, is receivable in evidence in any action, prosecution or other proceedings as proof that the document is signed by the Chief License Inspector without proof of the office or signature of the Inspector.
- (3) Every agent shall, while engaged in the business or employment in respect of which the license is held, carry on his person the prescribed identification card issued to him under this Bylaw and shall produce it for the inspection of any person upon request. No person shall carry or display any evidence of authority except the license or identification card issued to him under this Bylaw and a business card containing no reference to licensing under this Bylaw.

PROOF OF BEING LICENSED

16. (1) A document purporting to be signed by the Chief License Inspector and to the effect that the person named therein did or did not at any time or during any given period hold a license as

- (a) an alarm agency,
- (b) an alarm agent,
- (c) a security consulting agency, or
- (d) a security consultant

shall be admitted in evidence as proof of the facts stated therein, without proof of the signature or appointment of the person signing the document.

- (2) A statement in a letter, advertisement, card or other document or paper to the effect that a person is engaged in any of the services or businesses licensed under this Bylaw is admissible in evidence as proof that he is so engaged or acting, as the case may be.

REPORTING

- 17. (1) A person holding an agency license shall within fourteen (14) days of the occurrence report to the Chief License Inspector:
 - (a) changes of his business address,
 - (b) changes in ownership or management of the agency,
 - (c) every charge laid against him for a criminal offence,
 - (d) his every conviction for a criminal offence, or
 - (e) every charge or conviction known to him of a person employed in connection with his agency.
- (2) A person holding an agent's license shall within fourteen (14) days of the occurrence report to the Chief License Inspector:
 - (a) every charge laid against him for an indictable offence, and
 - (b) his every conviction for a criminal offence.

LICENSE FEES

- 18. (1) The fees, including renewal fees, payable for licenses under this Bylaw shall be set out in Schedule "A" which is declared to be a part of this Bylaw.
 - (1.1) The Chief Licence Inspector is not required to consider any application of a licence or renewal of a licence unless and until the fees, including any fees for inspections or consultations required by this or any other bylaw or provincial regulation, have been paid by the applicant.
 - (1.2) Fees paid by an applicant to The City as part of the application or renewal

BYLAW NUMBER 31M95

process are not refundable regardless of whether the application is refused or the licence is suspended or revoked.

- (2) Where a person who holds an agency license dies, the Chief License Inspector may, without payment of a fee, grant a temporary license to a properly designated person and in such case, all employees of the deceased person who hold a license under this Bylaw shall be deemed to be licensed as employees of the designated person.

(B/L 40M2003, 2003 November 10)

EXEMPTION FROM BYLAW

19. This Bylaw does not apply to:

- (a) members of a recognized police service while acting within the authority of their police appointments;
- (b) barristers and solicitors in the regular practice of their profession;
- (c) insurance adjustment agencies, insurance companies or the Insurance Crime Prevention Bureau while engaged in the usual course of their business or their employees or agents while acting in the usual and regular scope of their employment;
- (d) a person who installs an alarm system in his private residence;
- (e) person who is not in the employ of an alarm agency and who acts as an operator to receive a signal from an alarm system where such service is provided without remuneration;
- (f) collection agencies and collectors registered under the Collection Practices Act in the usual and regular scope of their employment;
- (g) private investigators, security guards, security consultants or alarm agents who are permanently employed by one employer in the business or undertaking other than a business licensed under this Bylaw and whose work is confined to the affairs of that employer; or
- (h) where a person
 - (i) resides outside the City and is a *bona fide* employee there, by or on behalf of an employer or client who resides outside the City to make an investigation or inquiry partly outside the City and partly in the City, and
 - (ii) temporarily comes into the City solely for the purpose of that investigation or inquiry. Nothing in this section requires that person or his employer to be the holder of a license under this Bylaw so long as the work of that person within the City is confined to the making of the investigation or any inquiry for which he was so employed outside the City.

INSURANCE

20. REPEALED BY B/L 66M95, 1995 NOVEMBER 6

IDENTIFICATION DATA CARDS

21. The holder of an agent's license under this Bylaw shall be issued with an identification data card by the Chief License Inspector bearing the photograph, name, and signature of the holder, name of the agency with whom the agent is employed or engaged, the expiry date, and shall be signed by the Chief License Inspector or bear the mechanically reproduced signature of the Chief License Inspector.

ADVERTISING

22. Where a complaint is made in writing to the Chief License Inspector, supported by documented evidence, of any agent or agency making false, misleading or deceptive statements in any advertisement, telephone directory listing, circular, pamphlet, or similar material, the Chief License Inspector may:

- (1) require evidence to support the advertising claims; or
- (2) order the immediate cessation of the use of such advertising material; or
- (3) where the evidence discloses that such statements are false, misleading or deceptive, levy a fine as being in contravention of this Bylaw; or
- (4) revoke the license of the agency; or
- (5) do any or all of the above.

SURRENDER OF LICENSES

23. (1) Where a license under this Bylaw is suspended, cancelled or terminated, or where the licensee ceases to be employed by an agency, the license or licenses shall be returned by the agency operator forthwith to the Chief License Inspector together with the identification card or cards issued.
- (2) When a license for an agent has been cancelled due to termination of employment with the agency for whom the license has been issued, it cannot be reactivated except through a new application and payment of the prescribed fee.
- (3) Where a license under this Bylaw has been suspended, cancelled, terminated or revoked the licensee shall return such license to the Chief License Inspector or surrender such license on demand to a peace officer and in no case shall a refund of any license fee be issued.

RECORDS

24. In addition to the requirements set out in the Bylaw, the holder of an agency license shall keep complete records of the name and address of each agent acting for or employed by the holder of such agency license and record the exact date that employment or engagement commenced and terminated.

ALARM SYSTEMS

25. (1) (a) When a person monitoring a monitored alarm system receives an alarm from such system such person shall, before advising any member of the Calgary Police Service of the alarm, verify that such alarm is not a false alarm.
- (b) No person shall install, maintain or use an alarm system which does not meet all of the standards prescribed by the Chief of Police.
- (c) The Chief of Police or any member of the Calgary Police Service may inspect any alarm system.
- (d) Notwithstanding the provisions of subsections (a), (b) or (c) every alarm control device installed within the City of Calgary subsequent to July 1, 1993 shall be listed by or approved by a testing authority authorized by the Standards Council of Canada.
- (e) No agency shall inform any member of the Calgary Police Service that a monitored alarm system has been activated unless a valid and subsisting alarm system permit exists in respect of that alarm system.
- (f) Notwithstanding subsection (e), an agency may inform a member of the Calgary Police Service that a monitored alarm system has been activated when such alarm system is not the subject of a valid and subsisting alarm system permit if, prior to contracting the Calgary Police Service, the alarms generated by the system are verified to be valid alarms by a person who responds to the location of the alarm.
- (2) (a) Every person maintaining an audible alarm shall 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.
- (b) 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.
- (c) Every person maintaining an audible alarm shall keep the Chief of Police informed, by notice in writing, of the names and telephone numbers of the persons to be contacted in the event that the audible alarm is activated.
- (d) The persons to be contacted pursuant to subsection (3) of this section:

BYLAW NUMBER 31M95

- (i) shall be available to receive telephone calls made in respect of the audible alarms,
 - (ii) shall be capable of affording access to the premises where the audible alarm is located, and
 - (iii) shall attend at the premises where the audible alarm is located within thirty (30) minutes of being requested to do so by a member of the Calgary Police Service.
- (e) No person shall install, maintain or use an audible alarm that is capable of being sounded continually for a period of greater than fifteen (15) minutes after each activation.
- (3) (a) When a person monitoring a monitored alarm system receives an alarm from such system during those hours when the premises in which the system is located is normally occupied, such person shall before advising any member of the Calgary Police Service of the alarm attempt to verify by telephone that the alarm is not a false alarm.
- (b) Subsection 3(a) does not apply to a monitored alarm system installed in a bank, trust company or a credit union.
- (c) A person who monitors a monitored alarm system and who informs any member of the Calgary Police Service that the monitored alarm system has been activated shall:
- (i) at the same time inform such member of the Calgary Police Service of the alarm system permit number for such system, and
 - (ii) cause a person capable of affording access to the premises where the monitored alarm system is located to attend at such premises within thirty (30) minutes of so informing such member of the Calgary Police Service of the activation.
- (d) No alarm agency or security consulting agency shall inform any member of the Calgary Police Service that a monitored alarm system has been activated unless such agency is a licensed agency.
- (4) (a) (i) No person shall install, use or permit the installation, or use of an alarm system unless there is a valid and subsisting alarm system permit therefor.
- (ii) Notwithstanding subsection (a), a person may install or use an alarm system without a permit or during the alarm permit suspension but only if the alarms generated by that system are confirmed to be valid alarms by a person who responds to the location of the alarm prior to the Calgary Police Service being requested to attend at the premises where the alarm has been activated.

BYLAW NUMBER 31M95

- (iii) No person shall notify the Calgary Police Service concerning the activation of any alarm by a monitored alarm system within fourteen (14) days of the installation of a new 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.
- (b) An applicant for an alarm system permit shall make application to the Chief of Police on a form supplied by the Chief of Police furnishing such information as the form may require and such additional information as the Chief of Police may from time to time require.
- (c) Alarm system permits shall be issued under
 - (i) the personal signature of the Chief of Police, or
 - (ii) his mechanically reproduced signature.
- (d) An alarm system permit shall be issued in the name of the person in possession of the premises which the alarm system is designed to protect.
- (e) After an alarm system permit has been issued the permittee shall supply the Chief of Police with such information concerning the alarm system as the Chief of Police may from time to time require.
- (f) An alarm system permit is not capable of being transferred or assigned.
- (g) The Chief of Police may revoke or suspend any alarm system permit if he finds that:
 - (i) the permittee has contravened any of the provisions of this Bylaw,
 - (ii) the persons to be contacted pursuant to subsection (2)(c) are not available to receive telephone calls required by subsection (2)(d)(i),
 - (iii) a person contacted pursuant to subsection (2)(c)
 - (A) is not capable of affording access to the premises where the audible alarm is located in accordance with subsection (2)(d)(ii), or
 - (B) fails to attend at the premises where the audible alarm is located in accordance with subsection (2)(d)(iii),
 - (iv) the person monitoring the alarm system, in the case of a monitored alarm system, fails to comply or is in breach of subsection (3), or
 - (v) the alarm system activates excessive false alarms.

BYLAW NUMBER 31M95

- (h) For the purpose of this Bylaw, "excessive false alarms" means three (3) or more false alarms in the immediately preceding twelve (12) month period.
- (i) The following shall not be included when computing the number of false alarms which have occurred for the purposes of subsection (h) and when determining whether a false alarm penalty is payable pursuant to Section 26.1.
 - (i) any false alarm which the permittee can demonstrate was caused by a storm, lightning, earthquake or other violent act of nature, or
 - (ii) any false alarm which the permittee can demonstrate was actually caused by the act of some person other than:
 - (A) 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,
 - (B) the person who installed, connected, operated, maintained or serviced the alarm system, or
 - (C) 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.
- (j) Notwithstanding the provisions of subsection (h) 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 (g)(v).
- (k) 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.
- (l) Within fourteen (14) days of receipt of the notice referred to in subsection (k) 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.
- (m) If the report referred to in subsection (l) 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.
- (n) Where an alarm system permit has been revoked the Chief of Police may, during the six (6) months following such revocation, refuse to issue a further alarm system permit for such alarm system.

BYLAW NUMBER 31M95

- (o) When the Chief of Police
 - (i) refuses to issue an alarm system permit to any person, or
 - (ii) suspends or revokes the alarm system permit held by any person,

the Chief of Police shall notify such person of the refusal, suspension or revocation by causing a notice in writing to be sent by regular mail to that person at his last known address.
- (p) When the Chief of Police refuses to issue or suspends or revokes an alarm system permit he shall cause a notice of such decision to be mailed to the applicant or holder of such permit by regular mail at his last known address.
- (q) A person who has been refused an alarm system permit or whose alarm system permit has been suspended, or revoked may, within thirty (30) days of the date of the written notice of decision of the refusal, suspension or revocation, appeal such refusal, suspension or revocation to the License Appeal Board by notifying the City Clerk in writing of his intention to appeal and the provisions of the License Appeal Bylaw shall apply, as the circumstances required, to the appeal.
- (r)
 - (i) When a suspension or revocation is appealed in accordance with subsection (q), the suspension or revocation shall be automatically stayed until the next sitting of the License Appeal Board.
 - (ii) If the appeal is not determined at the next sitting of the License Appeal Board, the Board may order that the stay continue in place for a further period of time.
- (5) No person shall 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".
- (6)
 - (a) Unless an annual term is specified for alarm system permits pursuant to subsection (b), an alarm system permit shall remain in force until suspended or revoked.
 - (b) The Chief of Police may issue alarm system permits for a term of one year commencing on such date as the Chief of Police may designate.
- (7) If alarm system permits are issued for a term of one year, the annual fee payable shall be that fee specified by the Chief of Police with the approval of the Calgary Police Commission.

(B/L 5M99, 1999 March 22)

OFFENCES AND PENALTIES

26. (1) Any person who contravenes any provision of this Bylaw by:
- (a) doing any act or thing which the person is prohibited from doing; or
 - (b) failing to do any act or thing the person is required to do is guilty of an offence and liable on summary conviction to a fine of not less than THREE HUNDRED (\$300.00) DOLLARS but not more than TEN THOUSAND (\$10,000.00) DOLLARS and in default of payment to imprisonment for a term not exceeding one (1) year or both.
- (2) A person who contravenes a provision of Section 25(2)(d) is not guilty of an offence in respect of such contravention.
- (B/L 5M99, 1999 March 22)
(B/L 40M2005, 2005 July 25)
- 26.1 (1) There is hereby imposed a false alarm penalty of seventy-five dollars (\$75.00) payable by an agency to the Calgary Police Service in respect of a breach of Section 25(3)(a) for each false alarm communicated to the Calgary Police Service by the agency.
- (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)(k) and 25(4)(i), that the alarm signal was a false alarm and that a false alarm penalty is payable, the Chief of Police shall notify the agency of the imposition of said penalty by causing a notice in writing to be sent by regular mail to the agency at its last known address, and the said agency shall pay the false alarm penalty imposed within thirty (30) days after the date of the written notification.
- (3) 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 thirty (30) days of the date of the agency's receipt 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 said 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).
- (4) Where the Calgary Police Service receives a written notification for review, delivered pursuant to subsection (3), the Chief of Police shall, within twenty-one (21) 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)(k) and 25(4)(i).
- (5) When a review is proceeding pursuant to subsection (4), the imposition of the false alarm penalty shall be automatically stayed until such time as the said review is completed.

BYLAW NUMBER 31M95

- (6) Upon completion of a review pursuant to subsection (4), 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 to the agency at its last known address.
- (7) Where the result of a review commenced pursuant to subsection (4) is the confirmation of the imposition of the false alarm penalty, the agency shall pay the said penalty within thirty (30) days after the date of the notification prepared and delivered pursuant to subsection (6).
- (8) Where an agency pays a false alarm penalty, it shall not be prosecuted for a contravention of Section 25(3) (a).

(B/L 5M99, 1999 March 22)

(B/L 37M2000, 2000 October 2)

COMING INTO FORCE

- 27. This Bylaw shall come into force and effect upon receiving third reading and being passed by the Municipal Council of The City of Calgary.

REPEAL

- 28. Bylaw Number 40M81 is hereby repealed.

READ A FIRST TIME THIS 24th DAY OF APRIL, 1995.

READ A SECOND TIME, AS AMENDED, THIS 24th DAY OF APRIL, 1995.

READ A THIRD TIME, AS AMENDED, THIS 24th DAY OF APRIL, 1995.

(Sgd.) A. Duerr
MAYOR

(Sgd.) D. Garner
CITY CLERK

SCHEDULE "A"

(Amended by B/L's 34M97, 50M2005, 60M2005, 61M2005, 57M2008, 58M2008)

Licence Fees

<u>Licence</u>	<u>New Application Fee</u>	<u>Renewal Fee</u>
Alarm Agency	\$140.00	\$107.00
Security Consulting Agency	\$140.00	\$107.00
Alarm Agents	\$140.00	\$107.00
Security Consultant	\$140.00	\$107.00

(B/L 34M97, 1997 September 22)
(B/L 50M2005, 2005 November 22)
(B/L 60M2005, 2005 November 22)
(B/L 61M2005, 2005 November 22)
(B/L 57M2008, 2008 November 3)
(B/L 58M2008, 2008 November 3)

UNCERTIFIED COPY