



A bylaw to deter False Security Alarms on the Tk'emlúps te Secwépemc

Bylaw Number 2022-01
Approved by Chief and Council the 6th day of June 2022

WHEREAS section 35 of the *Constitution Act*, 1982, Schedule B to the Canada Act 1982 (UK), 1982, c 11 recognizes and affirms the existing aboriginal self-government and treaty rights of the aboriginal peoples of Canada;

AND WHEREAS the Council of the Tk'emlúps te Secwépemc desires to make a False Security Alarm Bylaw on the Tk'emlúps te Secwépemc:

AND WHEREAS the Council of the Tk'emlúps te Secwépemc is empowered to make such a bylaw pursuant to sections 81(1)(c), (d), (q), and (r) of the *Indian Act*, RSC 1985, c I-5;

NOW THEREFORE the Council of the Tk'emlúps te Secwépemc hereby makes the following bylaw.

1. 1. Short Title

This bylaw may be cited as the *Tk'emlúps te Secwépemc Security Alarm System Bylaw No. 2022-01*.

1. 2. Definitions

In this bylaw, unless the context otherwise requires:

"Alarm" means an audible alarm signal or electronic message signaling an alarm produced by an Alarm System.

"Alarm System" means any mechanical, electrical or electronic device that:

a. (a) is designed, intended or used for the detection of an unauthorized entry into a building, structure, facility or surrounding area, or for alerting others to the commission of an unlawful act, or both; and

a. (b) emits a sound or transmits a message, or does both;

but does not include a device that is installed in a "motor vehicle" or "motor home" as those terms are defined in the *Motor Vehicle Act*.

"Band" means the Tk'emlúps te Secwépemc.

"Council" means the Council of the Tk'emlúps te Secwépemc, as defined in the *Indian Act*, or any successor to such council of the Band pursuant to a federal Statute or otherwise.

"Excessive False Alarms" means two (2) or more False Alarms involving a Hold-up Alarm, Panic Alarm, or Intrusion Alarm within a calendar year.

“False Alarm” means the activation of an Alarm System as a result of which Police Response is provided on behalf of the Band and Police do not find any evidence of unauthorized entry or commission of an unlawful act on or in relation to the building, structure, residence or facility, or where there has been no emergency situation. False Alarm incidents include, without limitation:

- a. (a) The testing of an Alarm System without notice to the Police;
- a. (b) An Alarm reporting an emergency situation occurring on or in relation to the premises in which the Alarm System is installed, where no evidence exists or where no such event took place;
- a. (c) An Alarm actually or apparently activated by mechanical failure, malfunction or faulty equipment;
- a. (d) An Alarm activated by user error; and
- a. (e) An Alarm actually or apparently activated by atmospheric conditions, excessive vibrations or power failure.

“Hold-Up Alarm” means a silent Alarm signal that is manually activated from a commercial premises and that signals that a robbery or other unlawful act is in progress.

“Intrusion Alarm” means any Alarm signal from an Alarm System, other than a Hold-Up Alarm or a Panic Alarm.

“Panic Alarm” means a silent Alarm signal that is manually activated from a residential premises and that signals that an intrusion or other unlawful act is in progress.

“Police” means the Royal Canadian Mounted Police.

“Police Response” means the dispatch of Police officers.

1. 3. False Alarms

- 1. (a) For every occurrence of an Excessive False Alarm, the owner or occupier shall be liable to pay the applicable fee calculated in accordance with Schedule “A” of this bylaw and such fee is due and payable within 30 days of an invoice being served upon:
 - a. (i) the occupier (with a copy sent to the owner); or

- a. (ii) the owner, if the occupier cannot reasonably be ascertained.
- 1. (b) An invoice for payment of fees imposed under this bylaw will be deemed to have been properly served:
 - a. (i) in the case of the owner, the day on which it is personally delivered, or on the fifth business day after being mailed by regular post to the address shown on the current year's property assessment roll; and
 - a. (ii) in the case of the occupier, the day on which it is personally delivered, or the day on which it is posted on the property, or on the fifth business day after being mailed by regular post to the address of the property.
- 1. (c) The following shall not be included when computing the number of False Alarms that have occurred for the purposes of Section 3.(1):
 - a. (i) any False Alarm that the owner or occupier can demonstrate was caused by a storm, lightning, fire, earthquake or other natural disaster; or
 - a. (ii) any False Alarm caused by communications network disruptions beyond the control of the owner or occupier.

1. 4. Cost Recovery

- 1. All fees imposed under this bylaw are due and payable within 30 days of the invoice being served and, if not paid on December 31st of the year in which they are imposed, will be added to and form part of the taxes payable on the real property.
- 2. If all or any portion remains unpaid by the due date, this portion accrues interest at a rate of Prime + 5%. Payments, including those made at a financial institution, must be received by TteS on or before the applicable due dates in order for the customer to avoid interest charges.

3. 5. Offences and Penalties

- 1. (a) A person who violates any of the provisions of this bylaw commits an offence and is liable on summary conviction to a fine not exceeding One Thousand Dollars (\$1000) or to imprisonment for a term not exceeding thirty (30) days, or to both.
- 1. (b) Each day that an offence against this bylaw continues shall be

deemed a separate and distinct offence.

1. (c) Any penalty imposed pursuant to this bylaw shall be in addition to, and not in substitution for, any other penalty or remedy imposed pursuant to any other applicable statute, law, or regulation.

1. 6. Severability

1. If any provision of this bylaw is held to be illegal or invalid by a court of competent jurisdiction, such provision may be severed and the illegality or invalidity shall not affect the validity of the remainder of the bylaw.

1st Reading the 7th day of March 2022

2nd Reading the 6th day of June 2022

3rd Reading the 6th day of June 2022

Final presentation for signature the 2nd day of September 2022

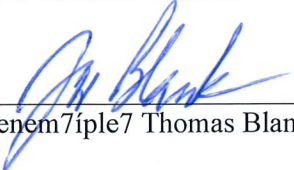
This Bylaw is hereby passed at a duly convened meeting of the Council of the Tkemlúps te Secwépemc the 2nd day of September 2022.

Being the majority of those members of the Council of the Tkemlúps te Secwépemc present. There are eight (8) Council members, and a quorum of Council is five (5) members.

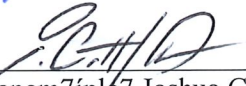
Number of members of the Council present at the meeting: 6.

Voting in favour of this bylaw are the following members of the Council:

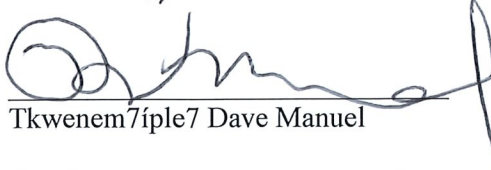
Kúkpi7 Rosanne Casimir



Tkwenem7íple7 Thomas Blank

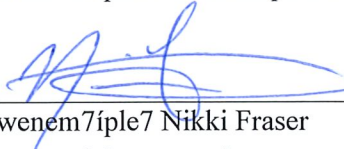


Tkwenem7íple7 Joshua Gottfriedson



Tkwenem7íple7 Dave Manuel

Tkwenem7íple7 Marie Baptiste



Tkwenem7íple7 Nikki Fraser



Tkwenem7íple7 Justin Gottfriedson

Tkwenem7íple7 Morning-Star Peters

This Bylaw comes into force on the day on which it is first published.

**SCHEDULE "A"
FEES**

**EXCESS ALARM FEES
INVOLVING HOLD-UP ALARMS OR PANIC ALARMS**

First False Alarm in calendar year – No Charge

Second False Alarm in calendar year - \$200

Third and all subsequent False Alarm in calendar year - \$400

**EXCESS ALARM FEES
INVOLVING INTRUSION ALARMS**

First False Alarm in calendar year – No Charge

Second False Alarm in calendar year - \$200

Third and all subsequent False Alarm in calendar year - \$400