

BYLAW NO. 22

A BYLAW RESPECTING FIRE AND BURGLAR ALARMS

WHEREAS the Council of the Region of Queens Municipality has authority pursuant to Section 174 (d) of the *Municipal Government Act* of Nova Scotia, S.N.S. 1998, Chapter 18, to pass bylaws respecting fire and burglar alarms;

AND WHEREAS the Council of the Region of Queens Municipality also has authority under Section 172(1)(d) of the *Municipal Government Act* to make bylaws respecting nuisances as well as activities and things that, in the opinion of the council, may be or may cause nuisances, including noise;

AND WHEREAS the Council of the Region of Queen Municipality also has many other powers and authorizations pursuant to the *Municipal Government Act* related to the content and enforcement of bylaws;

THEREFORE BE IT ENACTED as follows:

OFFICIAL DETAILS

1. This Bylaw shall be known as Bylaw Number 22 and may be cited as the "Alarm Bylaw".

DEFINITIONS

2. In this Bylaw:
 - (a) "**Alarm Coordinator**" means the Building Inspector unless some other person has been appointed by the Chief Administrative Officer or Council to administer this Bylaw.
 - (b) "**alarm system**" means any mechanical or electrical device which emits a sound or transmits a signal or message when activated, other than such a device installed in a vehicle, and which is designed or used for the detection of:
 - (i) heat, fire, or smoke; or

- (ii) actual or attempted unauthorized entry into a building or property.
- (c) **“audible alarm”** means an alarm system containing as a component or feature an audible sound generated by an activated alarm system on the premises in which the alarm system is installed;
- (d) **“automatic calling device”** means any device, or combination of devices, that will, upon activation, either mechanically, electronically or by any other automated means, initiate transmission of a signal or message, including a recorded message or an electronic signal, over telephone lines;
- (e) **“false alarm”** means an alarm which results in the dispatch of a publicly funded fire protection or police service organization other than when a legitimate activation event has occurred, provided however that an alarm shall not be considered false if the owner can demonstrate to the reasonable satisfaction of the Alarm Coordinator that an alarm resulted from:
 - (i) a windstorm, lightning, earthquake or other violent act of nature;
 - (ii) the mistaken activation of an alarm by a person other than an employee or contractor of the owner.
- (f) **“legitimate activation event”** means
 - (i) in the case of a fire, heat or smoke detection system, a condition of abnormal or excessive fire, heat or smoke; and
 - (ii) in the case of a burglar alarm, an actual or attempted unauthorized entry.
- (g) **“monitored alarm system”** means an alarm system which, when activated, sends an automatic signal or message to a third party;
- (h) **“Municipality”** means the Region of Queens Municipality;
- (i) **“owner”** means a person who owns, manages, possesses or controls premises or directs activity carried out on premises and includes a person shown on the Assessment Roll for the Region of Queens Municipality as the assessed owner or occupant of the premises except where the Region of Queens Municipality has been given notice in writing of a change in ownership or has been provided with the name of a person identified as having exclusive possession and control of the premises;
- (j) **“publicly funded fire protection or police services organizations”** includes the Royal Canadian Mounted Police and all fire brigades,

departments or commissions for whose direct or indirect benefit the Region of Queens Municipality collects taxes, or rates.

AUTHORIZATION

3. Nothing in this Bylaw shall be construed as authorizing non-compliance with any laws, regulations, bylaws, lawful orders or directives pursuant to any statute, regulation or statutory or regulatory authority that may require the installation, maintenance or operation of alarm systems or which may specify standards in respect of the manufacture, installation, maintenance or operation of such systems.

PROHIBITIONS

4. No person shall cause, permit or acquiesce in the activation of an alarm in the absence of a legitimate activation event.
5. Except for an alarm system designed and used to detect heat, smoke or fire, no person shall install to operate, or permit or acquiesce in the installation or operation of any automatic calling device designed or programmed to transmit a message to any telephone number assigned to a publicly funded fire protection or police service organization, or to a dispatch or communication centre responsible for the receiving and dispatching of alarm calls to such organizations.
6. When a third party is responsible for monitoring an alarm system for the detection of an actual or attempted unauthorized entry into a building or property, that third party shall verify that the alarm activation is not accidental by contacting the owner or occupant of the premises where the alarm is installed before notifying a publicly funded police services organization.
7. No owner shall cause, permit, or acquiesce in the activation of more than two (2) false alarms during any consecutive twelve (12) month period.

NOTIFICATION

8. Following each of the first two (2) false alarms within any consecutive period of twelve (12) months:
- (a) a notice shall be delivered to an owner of the alarm system that a false alarm has apparently occurred and that, in the event an owner disagrees that there was a false alarm, the owner shall have three (3) weeks from the date of delivery of the notice to show cause to the Alarm Coordinator why the alarm should not be considered false;
 - (b) the notice shall be in writing and may be delivered by hand or regular mail
 - (i) to the subject property to the attention of the occupant; or
 - (ii) to the owner's name and address as contained in the tax roll
 - (c) a notice sent in accordance with this section is deemed to have been delivered and received and, in the case of a notice sent by mail, is deemed to have been delivered three (3) days after the date of mailing; and
 - (d) when an owner responds to a notice, the Alarm Coordinator shall make a determination as to whether the incident in question was a false alarm, and the Alarm Coordinator's decision shall be final.

FEE FOR FALSE ALARMS

9. On the occurrence of a third (3rd) and each subsequent false alarm during any consecutive twelve (12) month period, there shall be a fee charged for each such occurrence as follows:
- a. for a third false alarm a fee of: \$100.00
 - b. for a fourth false alarm a fee of: \$150.00
 - c. for a fifth or subsequent false alarm a fee of: \$200.00

10. Where such a fee is charged, the Municipality shall invoice the owner of the real property and such invoice shall be due upon receipt.
11. Interest on any fee shall accrue, starting thirty (30) days after the date of such invoice, at a rate set from time to time by the Municipality.
12. Any such fee that remains outstanding for in excess of thirty (30) days, including interest as it accrues, may be added to and form part of the taxes payable on the real property as taxes in arrears pursuant to the *Municipal Government Act*.
13. Any and all such fees collected become the property of the Municipality.

PENALTIES

14. Pursuant to provisions of the *Municipal Government Act*, the Municipality has the option to prosecute in addition to any other remedy it may pursue.
15. Any person who violates any part of this Bylaw is guilty of an offence and liable, upon summary conviction:
 - a. For a 1st offence to a fine of not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00) and, in default of payment, to a term of imprisonment not to exceed Seven (7) days;
 - b. For a 2nd offence to a fine of not less than One Hundred Fifty Dollars (\$150.00) and not more than Five Hundred Dollars (\$500.00) and, in default of payment, to a term of imprisonment not to exceed Thirty (30) days; and
 - c. For a 3rd or subsequent offence to a fine of not less than Two Hundred Dollars (\$200.00) and not more than One Thousand Dollars (\$1,000.00) and, in default of payment, to a term of imprisonment not to exceed Sixty (60) days.
16. Pursuant to Section 505 (3) of the *Municipal Government Act*, every day during which a violation of this bylaw continues is a separate offence.

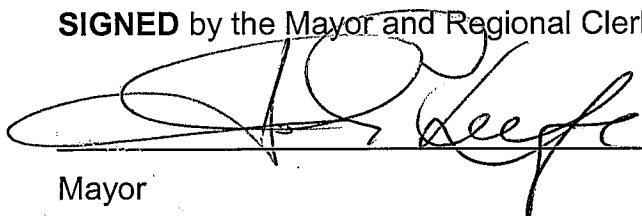
SEVERABILITY

17. In the event that any part or section of this bylaw is found in any court of law to be illegal or beyond the power of Council to enact, such part or section shall be deemed to be severable and all other sections or parts of this bylaw shall be deemed to be separate and independent and to have been enacted as such.

OFFICIAL CERTIFICATION

18. **THIS IS TO CERTIFY THAT** this bylaw was passed by the Council of the Region of Queens Municipality at a duly constituted meeting of said Council held on the 16th day of October, 2006.

SIGNED by the Mayor and Regional Clerk this 18th day of October, 2006.



Mayor



Regional Clerk

OFFICIAL READINGS

READINGS:	First:	September 18, 2006
	Second	October 16, 2006
	Date of Publication:	September 26, 2006
	Newspaper:	October 24, 2006
	Office of Minister of Service Nova Scotia and Municipal Relations	
	<u>Filed / Approved:</u>	October 30, 2006