

MUNICIPALITY OF THE DISTRICT OF WEST HANTS

FALSE ALARM BY-LAW

1. SHORT TITLE

This By-law may be cited as the "False Alarm By-law".

2 DEFINITIONS

In this By-law:

- a) **ALARM CO-ORDINATOR** means the person appointed by the Municipality to administer the alarm by-law
- b) **ALARM SYSTEM** means any mechanical or electrical device or a combination thereof which is designed or used for the detection of heat, smoke or fire or for an unauthorized entry into a 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:
 - personal alerting devices
 - motor vehicle alarm systems
- c) **ALARM MONITORING SERVICE** means a company or organization that, as part of its day to day business activities, monitors one or more alarm systems for the purpose of reporting all alarms to the appropriate police or fire agency.
- d) **AUDIBLE ALARM** means an alarm system which generates an audible sound on the premises where it is activated.
- e) **AUTOMATIC CALLING DEVICE** means any device or combination of devices, that will upon activation, either mechanically, electronically or by any other automatic means, send a telephone or recorded message over a telecommunications system.
- f) **FALSE ALARM** means a response by the Royal Canadian Mounted Police or a fire department resulting from the activation of an alarm system where an emergency situation does not exist.
- g) **MONITORED ALARM** service means an alarm system where the signal of an activation or intrusion or the commission of an unlawful act or report of a fire is received by a third party.
- h) **OWNER** includes an occupant, lessee or person having possession or control of a building, structure or facility in which an alarm system has been installed and

also includes the person whose name appears on the assessment roll for the Municipality as the assessed owner.

- i) **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.
 - j) **MUNICIPALITY** means the Municipality of the District of West Hants.
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3. OWNER'S RESPONSIBILITIES

- a) The owner or occupier of real property, or of a building, structure or facility shall be responsible for the proper use, installation, maintenance and operation of any security alarm system or fire alarm system installed on or in the building, structure or facility in order to ensure the prevention of false alarms.
- b) Every owner or occupier of real property or of a building, structure or facility who uses a security alarm system or fire alarm system must maintain a current list of at least three persons with the alarm monitoring service who will be known as "contact persons". The list of contact persons shall include the names, addresses and telephone numbers of each contact person.

4. CONTACT PERSONS

The contact persons whose names are provided must be persons who are:

- a) Available to receive telephone calls from the alarm monitoring service in the event of an alarm incident;
- b) Able to attend at the address of the alarm incident within 30 minutes in the case of a fire alarm and 30 minutes in the case of all other types of alarms after being requested to do so by the alarm monitoring service on behalf of the Royal Canadian Mounted Police or the jurisdictional fire department;
- c) Able to provide access to the premises of the alarm incident to the fire department or Royal Canadian Mounted Police;
- d) Capable of operating the alarm system and able to safeguard the premises.

5. AUDIBLE ALARM SYSTEMS

Except for an alarm system designed or used to detect heat, smoke or fire, no person shall install, maintain, or use an audible alarm that is capable of being sounded outside of the premises of which it is installed continually for a period of greater than 15 minutes after each separate activation.

6. FALSE ALARMS

Subject to subsection (2) an owner shall not cause, permit, suffer or allow more than one (1) false alarm for the fire department or not more than one (1) alarm for the Royal Canadian Mounted Police from the lands or premises in which it is installed to emanate from a location during any consecutive 12 month period.

Alarms activated in the following manner are hereby deemed not to be false alarms:

- a) any alarm which the owner can demonstrate was caused by the action of some other person other than the owner or the owner's officers, agents, employees, independent contractors, or any other person under the direct or indirect control of the owner;
- b) the manufacturer or the installer of the alarm system, or a person or company that operates, maintains and services an alarm system including their officers, agents employees, independent contractors and
- c) any other person subject to the direct or indirect control of the manufacturer or installer.
- d) Where the owner can demonstrate that the alarm was caused by a storm, lightning, earthquake, or other violent act of nature, and
- e) Where the Alarm Coordinator is satisfied that the occurrence of the alarm is an isolated incident and due to a mechanical or electrical failure that has since been corrected.

7. NOTIFICATION TO OWNERS

- a) Upon the first occurrence for the fire department and the first occurrence for the Royal Canadian Mounted Police of a false alarm, a notice will be provided to the owner of the subject real property building, structure or facility that a false alarm has occurred and the fees to be imposed for any subsequent false alarms.
- b) The notice required by this section shall be in writing and personally served on the owner or sent by certified mail to the owner at the address set out on the tax roll for the Municipality.

8. FEE FOR FALSE ALARMS

On the occurrence of a second false alarm for the fire department and on the occurrence of a second false alarm for the Royal Canadian Mounted Police and each subsequent false alarm during any consecutive 12 month period, there shall be a fee charged for each occurrence as follows:

- a) For a second false alarm for the fire department or the Royal Canadian Mounted Police, a fee of \$100
- b) For a third false alarm for the fire department or the Royal Canadian Mounted Police, and each subsequent false alarm, a fee of \$200.
- c) The fee charged in accordance with this by-law shall be invoiced by the Municipality to the owner of the real property, building, structure, or facility, and shall be due upon receipt and payable to the Municipality
- d) Fees remaining unpaid and outstanding for more than 30 days shall bear interest at the same rate as interest on real property taxes set by the Municipality
- e) Outstanding fees and interest shall be a lien on real property and shall be collected in the same manner and at the same time as taxes on real property in arrears
- f) Outstanding fees and interest shall be collected in the same manner as taxes under the *Municipal Government Act*.
- g) All fees collected shall belong to the Municipality.

9. AUTOMATIC CALLING DEVICES

No person shall use, maintain, or install, or permit the use, maintenance or installation of any automatic calling device which is programmed to transmit a message to any telephone number assigned to the Royal Canadian Mounted Police or the fire department or any communication center responsible for the receiving and dispatching of alarm calls to these agencies.

10. MONITORED ALARM SYSTEMS

- a) The person responsible for monitoring an alarm system for unauthorized entry only, shall verify that the alarm activation is not accidental by contacting the premises where the alarm is installed and the contact persons prior to notifying the Royal Canadian Mounted Police.
- b) In the event, the Royal Canadian Mounted Police is dispatched prior to verification, there will be no waiver of fee if the call is cancelled subsequent to the police being dispatched.

11. PENALTY

- a) A person who contravenes any provision of this by-law shall upon summary conviction be liable to a penalty of not less than \$100 and a maximum penalty of \$5000 and in default of payment to imprisonment for a maximum period not exceeding 90 days.

- b) Each day during which a contravention of or failure to comply with the by-law continues is a separate offense.
- c) Where a person is alleged to have violated this by-law and has been given notice of the alleged violation, may pay a penalty in the amount of \$100 to the Municipality at the place of payment specified on the notice, provided that said payment is made within a period of 14 days following the date of the notice, and such payment shall be in full satisfaction releasing and discharging all penalties and imprisonment incurred by the party for said violation.


12. APPLICATION

This by-law applies to all alarms within the Municipality whether installed before or after the coming into force of this by-law.

I, Cheryl Chislett, CAO of the Municipality of the District of West Hants, do hereby certify that the foregoing is a true copy of the False Alarm By-law duly passed at a duly called meeting of the Municipal Council of the Municipality of the District of West Hants, duly convened and held on the 8th day of March, 2011 and published in the Municipality on the 16th day of March, 2011.

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this 17th day of March, 2011.

Date of First Reading Nov 9 2010
 Date of Advertisement of Notice Feb 16, 2011
 Date of Second Reading March 8, 2011
 Date of Advertisement of Passage of By-law March 16, 2011
 Date of Mailing to Minister a Certified Copy March 17, 2011


 Cheryl Chislett, CAO
 Municipality of the District of
 West Hants

March 18, 2011
 Date

