

TOWN OF ANTIGONISH

Bylaw Respecting False Alarms

SHORT TITLE

1. This Bylaw may be cited as the "False Alarm Bylaw".

DEFINITIONS

2. In this Bylaw:

- (a) "Alarm System" means any mechanical or electrical device which is designed or used for the detection of heat, smoke or fire or 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
 - (i) personal alerting devices
 - (ii) a device that is installed in a vehicle
- (b) "Audible Alarm" means an alarm system which generates an audible sound on the premises where it is activated;
- (c) "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 which is designated to be transmitted over regular telephone lines;
- (d) "False Alarm" means a response by the Royal Canadian Mounted Police or the Antigonish Volunteer Fire Department resulting from the activation of an alarm system where an emergency situation does not exist;
- (e) "Monitored Alarm System" means an alarm system where the signal of an activation or intrusion or the commission of an unlawful act is received by a third party;
- (f) "Municipality" means the Town of Antigonish;

- (g) "Owner" includes an occupant, lessee or person having possession or control of the property in question and also includes prima facie the person whose name appears on the assessment role for the Municipality as the assessed owner;
- (h) "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.

AUDIBLE ALARM SYSTEMS

- 3. 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 continually for a period of greater than fifteen minutes after each separate activation.

FALSE ALARMS

- 4. (1) An owner shall not cause, permit, suffer or allow more than two (2) false alarms to emanate from a location during any consecutive twelve month period.
- (2) 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 a person other than:
 - (i) the person who installed, connected, operated, maintained or serviced the alarm system, or
 - (ii) the manufacturer of the alarm system, including the manufacturer's officers, agents, employees, independent contractors or any persons subject to the direct or indirect control of the manufacturer;
 - (b) Where the owner can demonstrate that the alarm was caused by a storm, lightning, earthquake or other violent act of nature; and
 - (c) Where the Royal Canadian Mounted Police and/or the Antigonish Volunteer Fire Department is satisfied that the occurrence is isolated and due to a mechanical or electrical failure that has since been corrected by a qualified contractor or installer, proof of which has been provided.

NOTIFICATION TO OWNERS

5. (1) Upon the first occurrence of a false alarm, a notice will be provided to the owner of the subject real property that a false alarm has occurred and the fees to be imposed for any subsequent false alarms.
- (2) The notice required by this section shall be in writing and delivered by hand or regular mail to the subject property or the address set out in the assessment records. It shall include the date and approximate time of the false alarm(s). A notice sent in accordance with this section shall be deemed to have been received within five (5) working days after it is mailed.

FEE FOR FALSE ALARMS

6. (1) On the occurrence of a third and each subsequent false alarm during any consecutive twelve month period, there shall be a fee charged for each such occurrence as follows:
 1. For a third false alarm a fee of \$200.00;
 2. For a fourth false alarm a fee of \$250.00; and
 3. For a fifth or subsequent false alarm a fee of \$300.00.
- (2) Where a fee is charged in accordance with this bylaw, the Municipality shall invoice the owner of the real property.
- (3) An invoice issued under this bylaw shall be due upon receipt and payable to the Municipality.
- (4) All fees collected become the property of the Municipality.
- (5) A party alleged to have violated this bylaw and given notice of the alleged violation, may pay a penalty in the amount of \$100.00 to the Town at the place of payment specified on the notice; provided that said payment is made within a period of fourteen (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.

AUTOMATIC CALLING DEVICES

7. 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 Antigonish Volunteer Fire Department or any dispatch or communication centre responsible for the receiving and dispatching of alarm calls to these agencies.

MONITORED ALARM SYSTEMS

8. (1) When a third party is responsible for monitoring an alarm system for intrusions only, that third party shall verify that the alarm activation is not accidental by contacting the premise where the alarm is installed prior to notifying the appropriate police agency. If the Royal Canadian Mounted Police is dispatched prior to verification, there will be no waiver of fee if the call is cancelled subsequent to police being dispatched.
- (2) Where the original alarm activation signal is received by a third party who then notifies the Royal Canadian Mounted Police or the Antigonish Volunteer Fire Department or any dispatch or communication center responsible for the receiving and dispatching of alarm calls of the alarm, the third party shall supply the alarm permit number to the police dispatcher receiving the call.

PENALTY

9. A person who contravenes any provision of this bylaw shall upon summary conviction be liable to a minimum penalty of \$200.00 and a maximum penalty of \$5,000.00 and in willful default of payment of the penalty the offender may be imprisoned for a maximum period not exceeding ninety days.

APPLICATION

10. This bylaw applies to all alarms in use within the Municipality whether installed before or after the coming into force of this bylaw.

SIGNED _____
Town Clerk

Date _____

Clerk's Annotation For Official By-Law Book

Date of First Reading May 16, 2005

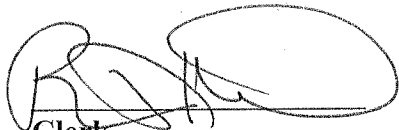
Date of Advertisement of Notice of Intent to Consider May 25, 2005

Date of Second Reading June 20, 2005

***Date of Advertisement of Passage of Bylaw** June 29, 2005

Date of Mailing to Minister a Certified Copy of Bylaw June 29, 2005

I certify that this "Bylaw Respecting False Alarms" was adopted by Council and published as indicated above.



Clerk

June 29, 2005

Date

***Effective Date of the Bylaw unless otherwise specified in th text of the Bylaw.**