

# MUNICIPALITY OF THE COUNTY OF COLCHESTER

## CHAPTER 10

### FALSE ALARM BY-LAW

- 1.** This By-law is enacted pursuant to Section 172 of the Municipal Government Act, S.N.S. 1998, c. 18, and shall be known and may be cited as the “False Alarm By-law” of the Municipality of the County of Colchester.
- 2.** Nothing in this By-law shall be construed as authorizing non-compliance with any laws, regulations, by-laws, 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.
- 3.** By adopting this By-law, the Municipality wishes to address the financial and resource costs expended directly and indirectly in the service calls provided by a Publicly Funded Fire Protection Service or a Publicly Funded Police Service responding to a false alarm, which costs should not be the responsibility of taxpayers but the consumer of these services.

#### DEFINITIONS

**4.** In this By-law:

- a.** “Alarm Coordinator” means the person appointed by the Chief Administrative Officer of the Municipality to administer this By-law.
- b.** “Alarm System” means any mechanical or electric device in a building, unless the device is part of an integrated alarm system for more than one building, which emits a sound or transmits a signal or message when activated and which is designed or used for
  - (i)** the detection of fire, heat, or smoke, or
  - (ii)** the detection of an actual or attempted unauthorized entry into a building, structure, fenced enclosure or other facility, but does not include a device that is installed in vehicle, and does not include a Personal Alerting Device.
- c.** “Assessment Roll” means the Assessment Roll of the Municipality.
- d.** “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.

**e.** “Automatic Calling Device” means any device, or combination of devices, that upon activation, will either mechanically, electronically or by any other automated means, initiate a transmission of a signal or message, including a recorded message or an electronic signal, over telephone lines.

**f.** “Council” means the Council of the Municipality of the County of Colchester.

**g.** “False Alarm” means an alarm which results in the dispatch of a Publicly Funded Fire Protection Service or Publicly Funded Police Service except 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 the alarm resulted from:

**(i)** a windstorm, lightning, earthquake or other violent act of nature;

**(ii)** the wrongful activation of the alarm by a person other than the Owner or any person under the direct or indirect control of the Owner, including officers, agents and employees of the Owner; or

**(iii)** an occurrence that 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

**(iv)** any other extraordinary occurrence that is isolated and corrected with verification provided.

**h.** “Fiscal Year” means the accounting year of the Municipality ranging from April 1<sup>st</sup> to March 31<sup>st</sup> of the following year.

**i.** “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.

**j.** “Monitored Alarm System” means an alarm system where the signal of a Legitimate Activation Event is automatically transmitted to a third party.

**k.** “Municipality” means the Municipality of the County of Colchester.

**l.** “Notice” means a Notice of a False Alarm issued pursuant to Section 11 of this By-law.

**m.** “Owner” means a person who owns, manages, possesses or controls premises or directs activity carried out on the premises, and includes a person shown on the Assessment Roll for the

Municipality as the assessed owner or occupant of the premises, except where the 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.

**o.** “Personal Alerting Device” means any device, such as a pager, carried on one’s person that is designed to emit a sound or transmit a signal or message when activated.

**p.** “Publicly Funded Fire Protection Service” includes all fire brigades, departments or commissions for whose direct or indirect benefit the Municipality collects taxes or rates.

**q.** “Publicly Funded Police Service” includes the Royal Canadian Mounted Police and all departments or commissions for whose direct or indirect benefit the Municipality collects taxes or rates.

#### **WILLFUL ACTIVATION OF ALARM SYSTEMS**

**5.** No person shall willfully cause the activation of an Alarm System in the absence of a Legitimate Activation Event.

#### **AUDIBLE ALARM SYSTEMS**

**6.** Except for an Alarm System designed and used to detect heat, smoke or fire, no person shall install or operate an Audible Alarm, or permit or acquiesce in the installation or operation of an Audible Alarm, that is capable of being sounded outside of the alarm-protected premises continually for a period greater than fifteen (15) minutes after each separate activation.

#### **MONITORED ALARM SYSTEMS**

**7.** Where a third party is responsible for monitoring an Alarm System for the detection of an actual or attempted unauthorized entry into a building, structure, fenced enclosure or other facility, that third party shall endeavor to 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 Service.

**8.** If a Publicly Funded Police Service is dispatched prior to verification, there will be no waiver of any False Alarm fees levied pursuant to Section 14 if the call is cancelled subsequent to that organization being dispatched.

#### **AUTOMATIC CALLING DEVICES**

9. Except for an alarm system designed and used to detect heat, smoke or fire, no person shall install or operate an Automatic Calling Device, or permit or acquiesce in the installation or operation of any Automatic Calling Device, which is designed or programmed to transmit a message to any telephone number assigned to a Publically Funded Fire Protection Service or a Publicly Funded Police Service, or to a dispatch or communication centre responsible for the receiving and dispatching of alarm calls to a Publically Funded Fire Protection Service or a Publicly Funded Police Service.

## **FALSE ALARMS**

10. No owner shall cause, permit, or allow more than one (1) False Alarm to emanate from an Alarm System during the Municipality's fiscal year. Each additional False Alarm within such period shall constitute a separate offence.

11. Following the occurrence of an apparently False Alarm within the Municipality's fiscal year ,

(a) A Notice that a False Alarm has apparently occurred which conforms with Section 12 of this By-law shall be issued;

(b) In the event an Owner disagrees that there was a False Alarm, the Owner shall have thirty (30) days from the date of delivery of the Notice to submit a completed Alarm Appeal, in a form approved by the Municipality from time to time, in to the Alarm Coordinator;

(c) The Alarm Coordinator shall make a determination as to whether there was a False Alarm, and the Alarm Coordinator's decision shall be final;

(d) Where the Alarm Coordinator does not receive an Alarm Appeal pursuant to Section 11(b), it shall be deemed that the False Alarm occurred.

(e) Where a completed Alarm Appeal is not received by the Alarm Coordinator, a written reminder of the Notice of False Alarm shall be sent to the Owner. The reminder may be delivered by hand or regular mail,

(i) To the Owner's name and address as contained in the Assessment Roll; and

(ii) To the subject property to the attention of the occupant.

## **NOTIFICATION TO OWNERS**

12. Where a Notice that a False Alarm has apparently occurred is given pursuant to Section 11(a), it shall:

**(a)** Be delivered by hand or sent by regular mail to the premises where the False Alarm occurred to the attention of the occupant, or to the property Owner's name and address as contained in the Assessment Roll;

**(b)** If it is the first occurrence of a False Alarm, the Notice shall be marked as a warning, and shall also state that any subsequent False Alarms will be subject to the fee outlined in the False Alarm By-law;

**(c)** If it is a False Alarm subsequent to a first occurrence of a False Alarm, the Notice shall state that the Owner will be assessed a fee pursuant to Section 13 of this By-law;

**(d)** If it is either a first or a subsequent occurrence of a False Alarm,

**(i)** the Notice shall state that a copy of the False Alarm By-law can be found on the Municipality's website at [www.colchester.ca](http://www.colchester.ca) or picked up from the Municipal Offices at 1 Church Street, Truro, and

**(ii)** The Notice shall state that the Owner may submit an Alarm Appeal pursuant to Section 11(b) of the Fire Alarm By-law.

**(e)** A Notice sent in accordance with Sections 11 and 12 of this By-law is deemed to have been delivered and received and, in the case of delivery by regular mail, is deemed to have been delivered three (3) days after the date of mailing.

## **FEES FOR FALSE ALARMS**

**13.** On the occurrence or repeat occurrences of a False Alarm contrary to this By-law, the Owner will be required to pay the fees that are set by resolution of Council under the authority of this By-law, including increased fees for repeat occurrences.

**14.** Any fees levied under this By-law shall be due within 30 days of official invoice date and payable to the Municipality.

**15.** In addition to any fees pursuant to Section 13,

**(a)** Interest on any fees shall accrue, starting 30 days after the date of such fee, at a rate set from time to time by the Municipality;

**(b)** Any such that remains outstanding for an excess of 30 days, including the 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.

**16.** All fees collected become the property of the Municipality of the County of Colchester.

## **PENALTY**

**17.** Any person who violates Section 5 of this By-law is guilty of an offense punishable on summary conviction by a fine of not less than \$500.00 and not more than \$1,000.00 and to imprisonment of not more than thirty (30) days in default of payment thereof.

**18.** Any person who

**(a)** Fails to pay any fee levied pursuant to Sections 13 and 14, or

**(b)** Violates any other provision of this By-law, is guilty of an offence punishable on summary conviction by a fine of not less than \$300 and not more than \$1,000 and to imprisonment of not more than thirty (30) days in default of payment thereof.

## **APPLICATION**

**19.** This By-law applies to all alarms in use within the Municipality whether installed before or after the coming into force of this By-law.

## **EFFECTIVE DATE OF BY-LAW**

Council Resolution February 25, 2010

“That Council hereby approves that in accordance with Section 12 (b) for a first occurrence of a False Alarm the Notice shall be marked as a warning and in accordance with Section 12 (c) and Section 13 the fees be set at \$150.00 for a first occurrence, \$175.00 for a second occurrence and \$200.00 for a third and subsequent occurrence as authorized by Section 13 of Chapter 10 – False Alarm By-law of the Municipality of the County of Colchester.”

**20.** This By-law shall take effect on date of publication pursuant to Section 169 of the Municipal Government Act.

THIS IS TO CERTIFY, that Chapter 10 – False Alarm By-law, was duly approved at a duly called meeting of the Municipal Council of the Municipality of the County of Colchester, duly convened and held on the 24<sup>th</sup> day of February, A.D., 2011.

**GIVEN** under the hand of the Municipal Clerk and under the corporate seal of said Municipality, this 8<sup>th</sup> day of March, A.D., 2011.

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Dan McDougall, Municipal Clerk