

# Municipality of the County of Cumberland

## Fire and Burglar Alarm By-Law 07-08

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1. This By-Law is entitled the "Fire and Burglar Alarm By-Law".
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. In this By-Law:
  - (1) "Alarm Coordinator" means the Fire Services Coordinator unless some other person has been appointed by the Chief Administrative Officer to administer this By-Law.
  - (2) "alarm system" means any mechanical or electrical device which emits a sound or transmits a signal or message when activated and which is designed or used for
    - (a) the detection of fire, heat, or smoke; or
    - (b) 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 a vehicle;
  - (3) "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;
  - (4) "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;
  - (5) "false alarm" means an alarm which results in the dispatch of a publicly funded fire protection or police service organization 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 an alarm resulted from
    - (a) a windstorm, lightning, earthquake or other violent act of nature;  
or
    - (b) from the wrongful activation of an alarm by a person other than an employee or contractor of the owner;

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- (6) "legitimate activation event" means
    - (a) in the case of a fire, heat or smoke detection system, a condition of abnormal or excessive fire, heat or smoke; and
    - (b) in the case of a burglar alarm, an actual or attempted unauthorized entry.
  - (7) "monitored alarm system" means an alarm system where the signal of a legitimate activation event is automatically transmitted to a third party;
  - (8) "Municipality" means the Municipality of the County of Cumberland;
  - (9) "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 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; and
  - (10) "publicly funded fire protection or police services organizations" includes the Royal Canadian Mounted Police, all fire brigades and departments that are registered to provide fire services within the Municipality.
- 4. No person shall willfully cause 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 or operate an audible alarm, and no owner shall permit or acquiesce in the installation or operation of an audible alarm which sounds continually at the alarm-protected premises for a period of greater than fifteen minutes after each separate activation, if the sound made by the alarm is audible off the property on which the alarm has been installed.
  - 6. No person shall install or 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.
  - 7. When 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

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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 services organization.

8. No owner shall cause, permit, or allow more than one false alarm to emanate from an alarm system during any consecutive 12-month period. Each additional false alarm within such period shall constitute a separate offence.
9. Following the first occurrence of an apparently false alarm within any consecutive period of 12 months,
  - (1) 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 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;
  - (2) the notice shall be in writing and may be delivered by hand or regular mail
    - (a) to the subject property to the attention of the occupant; and
    - (b) to the owner's name and address as contained in tax roll;
  - (3) 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 3 days after the date of mailing; and
  - (4) when an owner responds to the notice, the Alarm Coordinator shall make a determination of whether there was a false alarm, and the Alarm Coordinator's decision shall be final.
10. Any person who violates section 4 of this By-Law is guilty of an offence punishable on summary conviction by a fine of not less than \$200.00 and not more than \$1,000.00 and to imprisonment of not more that 30 days in default of payment thereof.
11. Any person who violates any other provision of this By-Law is guilty of an offence punishable on summary conviction by a fine of not less than \$100.00 and not more than \$1,000.00 and to imprisonment of not more that 30 days in default of payment thereof.
12. Any person who contravenes section 8 of this By-Law and who is given notice of the contravention in accordance with the Municipality's Payment in Lieu of Prosecution Policy may pay to the Municipality at the place specified in the notice, the sum of

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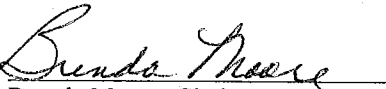
\$50.00 within 14 days of the date of the notice and shall thereby avoid prosecution for that contravention.

13. Any person who contravenes section 4, 6, 7 or 8 of this By-Law and thereby causes or contributes to a chain of events that results in a fire department to be dispatched shall upon conviction for that contravention be subject to a penalty of \$500.00 in addition to any fine imposed to defer the cost associated with dispatching a fire department

### Clerk's Annotation for Official By-Law Book

Date of First Reading:	<u>September 19, 2007</u>
Date of Advertisement of Notice of Intent to Consider	<u>September 29, 2007</u>
Date of Second Reading	<u>October 24, 2007</u>
*Date of Advertisement of Passage of By-Law:	<u>November 3, 2007</u>
Date of mailing to Minister a certified Copy of the By-Law:	<u>November 28, 2007</u>

I certify that this FIRE AND BURGLAR ALARM BY-LAW was adopted by Council and published as indicated above.

  
Brenda Moore, Clerk

January 21, 2008  
Date

\*Effective date of the By-Law unless otherwise specified in the text of the By-Law