

TOWN OF DIGBY
BY-LAW # 2002-05
A BY-LAW RESPECTING INTRUSION,
ROBBERY, AND FIRE ALARM SYSTEMS

GENERAL.

This By-law shall be known as, and may be cited as, the "Alarm By-Law."

1. *INTERPRETATION*

- 1.1 In this By-law, unless clearly indicated otherwise, words used in the present tense include future, words in the singular number include the plural, words in the plural include the singular number, words in the masculine include the feminine, and the word "used" includes "arranged", "designed or intended to be used", and the word "shall" is mandatory and not permissive.

2. *DEFINITIONS*

- 2.1 “**Alarm Coordinator**” means the person appointed by the Treasurer to administer the Alarm By-Law.
- 2.2 “**Alarm System**” means any mechanical or electrical device which is designed or used for the detection of an unauthorized entry into a building, structure or facility, or for alerting others of the commission of an unlawful act, or for the detection of heat, smoke or fire detection device 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
 - (iii) residential smoke detector
- 2.3 “**Audible Alarm**” means an alarm system which generates an audible sound on the premises where it is activated;
- 2.4 “**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 telephone or recorded message which is designed to be transmitted over regular telephone lines;

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- 2.5 **“False Alarm”** means a response to an alarm by the Digby RCMP or the Digby Fire Department resulting from the activation of an alarm system where an emergency situation does not exist;
- 2.6 **“Monitored Alarm System”** means an alarm system where the signal of an activation or intrusion or the commission of an unlawful act, or the detection of a fire is received by a third party;
- 2.7 **“Town”** means the Town of Digby;
- 2.8 **“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 roll for the Town as the assessed owner.
- 2.9 **“Permittee”** means the holder of an alarm system permit;
- 2.10 **“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;.
- 2.11 **“Treasurer”** means the Treasurer of the Town of Digby or designate.

3. PERMIT REQUIRED

- 3.1 No owner shall install, keep, use, permit or suffer the installation, keeping or use of an alarm system unless there is a valid and subsisting alarm system permit for that system.
- 3.2 An applicant for an alarm system permit shall apply to the Treasurer on a form as described in Schedule “A” attached hereto.
- 3.3 Alarm system permits shall be issued by the Treasurer.
- 3.4 An alarm system permit shall be issued in the name of the owner of the building or property which the alarm is intended to protect.
- 3.5 An alarm system permit is required for each alarm system that is installed in any one location.

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- 3.6 An alarm system permit may be transferred or assigned to a new owner of the property on submission to the Treasurer of a fully completed permit application form as described in Schedule "A".
- 3.7 The owner shall be responsible for informing the Treasurer or designate of any and all changes in the information contained in the permit application.

4. AUDIBLE ALARM SYSTEMS

- 4.1 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.

5. FALSE ALARMS

- 5.1 An owner shall not cause, permit, suffer or allow more than two (2) false alarms to emanate from a location where an alarm system is installed during any consecutive twelve month period.
- 5.2 Alarms activated in the following manner are hereby deemed **not** to be false alarms;
- (a) where the owner can demonstrate that the alarm was caused by a storm, lighting, earthquake or other violent act of nature; or
 - (b) where the Alarm Coordinator 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.

6. 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 fee charged for each such occurrence as follows:
- (a) for a third false alarm a fee of \$ 100.00; and
 - (b) for each subsequent false alarm the fee shall be increased by \$ 50.00
- 6.2 Where a fee is charged in accordance with this by-law, the Town shall invoice the owner of the real property.
- 6.3 An invoice issued under this by-law shall be due upon receipt and payable to the Town.

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- 6.4 Any fees remaining unpaid and outstanding for more than 30 days may be added to and form part of the taxes payable on real property as taxes in arrears.
- 6.5 All fees collected become the property of the Town.

7. NOTIFICATION TO OWNERS

- 7.1 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 advised of the fees to be imposed for more than two (2) false alarms during any consecutive twelve month period.
- 7.2 The notice required by this section shall be in writing and delivered by hand or regular mail to the subject property or the address in the permit. A notice sent in accordance with this section shall be deemed to have been received.

8. AUTOMATIC CALLING DEVICES

- 8.1 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 Digby RCMP or the Digby Fire Department or any dispatch or communication centre responsible for the receiving and dispatching of alarm calls to these agencies unless a contract has been entered into with the Police/Fire Department to provide an alarm monitoring service.

9. MONITORED ALARM SYSTEMS

- 9.1 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 a police agency is dispatched prior to verification, there will be no waiver of fee if the call is cancelled subsequent to police being dispatched.
- 9.2 Where the original alarm activation signal is received by a third party who then notifies the Royal Canadian Mounted Police or the Digby Fire Department, the third party shall supply the alarm permit number to the police/fire dispatcher receiving the call.

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10. SCOPE OF APPLICATION

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

11. PENALTY/OFFENCES

11.1 Any person who contravenes any provision or fails to comply with any of the terms of this By-law or of any permit issued under this By-law shall, upon summary conviction, be liable to a penalty of not less than one hundred dollars (\$100.00), and not more than one thousand dollars (\$1000.00), and in default of payment, to imprisonment for a period not exceeding sixty (60) days.

11.2 Every day during which a contravention of or failure to comply with the by-law continues is a separate offence.

I, Linda Fraser, Clerk of the Town of Digby do hereby certify that the foregoing is a true copy of a By-law passed by the Council of the Town of Digby at a meeting held and convened on the 6th day of January AD., 2003.

Given under the hand of the Town Clerk and the corporate seal of the said Town this 7th day of January AD., 2003.



Linda Fraser, Town Clerk



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SCHEDULE "A"

Application for Alarm System Permit

I, _____, do hereby apply for an alarm permit pursuant to the "Alarm By-Law for the Town of Digby.

I acknowledge that I have been made aware that in the event of over two (2) false alarms during any consecutive twelve month period, I must pay a fee of \$ 100.00 for the third false alarm and that the fee will increase by \$ 50.00 for each subsequent false alarm.

This fee must be paid upon receipt of notice.

APPLICANT: Full Name _____
Civic Address _____
Mailing Address _____
Postal Code _____
Telephone _____ (Home) _____ (Work) _____
(Fax/E-mail) _____

The following persons are to be contacted in order of priority should an alarm be activated from our location:

1. Full Name: _____ Phone _____
Address: _____
2. Full Name: _____ Phone _____
Address: _____
3. Full Name: _____ Phone _____
Address: _____

It is an offence to make a false statement.

Date of Application Signature of Applicant

Date of Approval Town Clerk
Permit Number _____

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**TOWN OF DIGBY
P.O. BOX 579
DIGBY, NOVA SCOTIA
B0V 1A0**

Dear

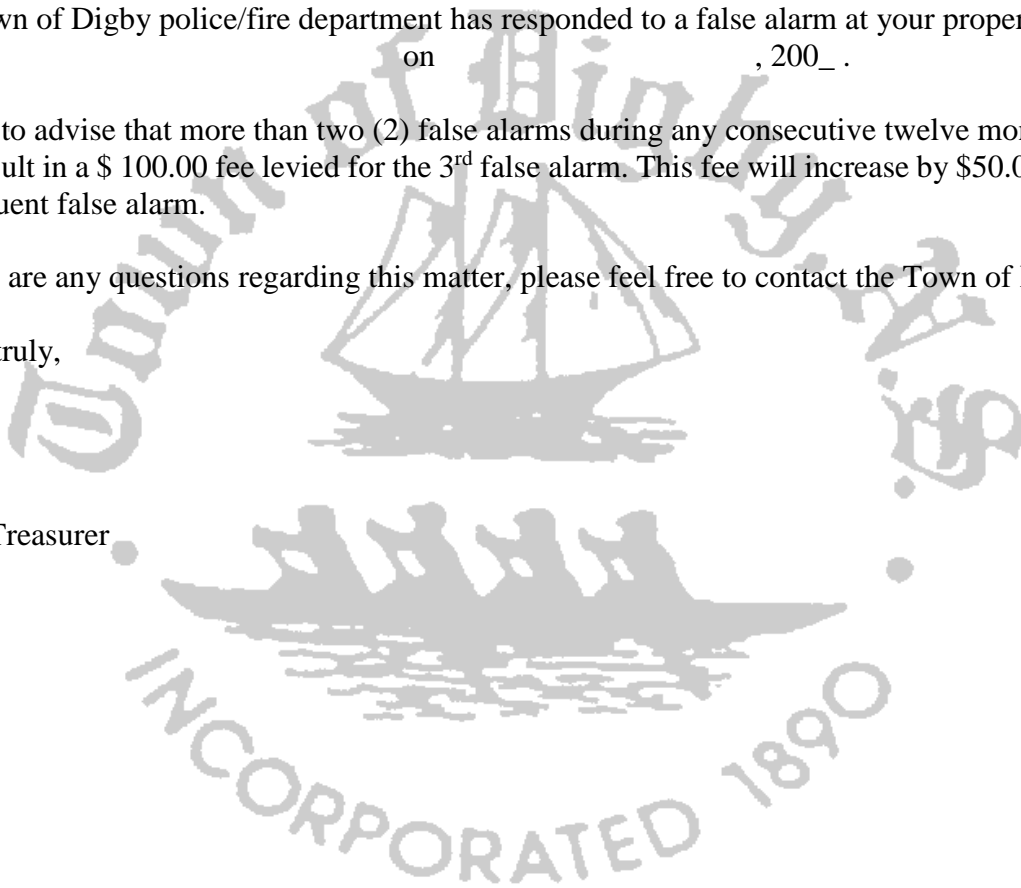
The town of Digby police/fire department has responded to a false alarm at your property located at _____ on _____, 200_ .

This is to advise that more than two (2) false alarms during any consecutive twelve month period will result in a \$ 100.00 fee levied for the 3rd false alarm. This fee will increase by \$50.00 for each subsequent false alarm.

If there are any questions regarding this matter, please feel free to contact the Town of Digby.

Yours truly,

Clerk/Treasurer



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**TOWN OF DIGBY
P.O. BOX 579
DIGBY, NOVA SCOTIA
B0V 1A0**

Dear

The Digby police/fire department has responded to a third false alarm at your property located at _____ on _____, 200 .

The department has previously responded to two (2) false alarms to this property on _____, 200 and on _____, 200

We therefore request payment of \$ 100.00 as per our previous letter.

If there are any questions regarding this matter, please feel free to contact the Town of Digby.

Yours truly,

Clerk/Treasurer