

TOWN OF MIDDLETON

ALARMS BYLAW
CHAPTER 51

DEFINITIONS

1. In this Bylaw:

- (a) "Alarm Coordinator" means a person designated by the Treasurer to administer the Alarm Bylaw;
- (b) "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 personal alerting devices and a device that is installed in a vehicle;
- (c) "Audible Alarm" means an alarm system which generates an audible sound on the premises where it is activated;
- (d) "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 designed to be transmitted over regular telephone lines;
- (e) "False Alarm" means a response by a Registered Fire Department or the Royal Canadian Mounted Police resulting from the activation of an alarm system where an emergency does not exist;
- (f) "Monitored Alarm System" means an alarm system where the signal of an activation, intrusion or commission of an unlawful act is received by a third party;
- (g) "Municipality" means the Town of Middleton;
- (h) "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.
- (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) "Registered Fire Department" means the Middleton Fire Department registered by the Municipality pursuant to Section 294 of the *Municipal Government Act*; and
- (k) "Treasurer" means the Treasurer of the Municipality or his designate.

AUDIBLE ALARM SYSTEMS

- 2. (1) Except for an alarm system designed or used to detect hear, smoke or fire, not 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

- 3. (1) An owner shall not cause, permit, suffer or allow more than one (1) false alarm 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 some other person other than:
 - (i) the owner or the owner's officers, agents, employees, independent contractors or any other person subject to the direct or indirect control of the owner,
 - (ii) the person who installed, connected, operated maintained or serviced the alarm system, or
 - (iii) the manufacturer of the alarm system, including the manufacturer's officers, agents, employees, independent contractors or any person subject to the direct or indirect control of the manufacturer;
 - (b) Where the owner can demonstrate that the alarm was caused by a storm, lighting, earthquake or other violent act of nature; and

- (c) 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.

NOTIFICATION TO OWNERS

- 4. (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 tax roll for the owner. A notice sent in accordance with this section shall be deemed to have been received.

FEE FOR FALSE ALARMS

- 5. (1) On the occurrence of a second and for each subsequent false alarm during any consecutive twelve month period, there will be a fee charged of \$200.00 for each such occurrence.
- (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 payable to the Municipality and is due upon receipt.
- (4) Any fees remaining unpaid and outstanding for more than 30 days along with any outstanding interest at the rate as established by policy of Council for unpaid taxes may be recovered and enforced with costs on summary conviction, pursuant to Section 183 of the *Municipal Government Act*.
- (5) All fees and penalties for a contravention of this bylaw, when collected, become the property of the Municipality and shall be paid into the general revenues of the Municipality.

AUTOMATIC CALLING DEVICES

- 6. (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 Royal Canadian Mounted Police or any dispatch or communication centre responsible for the receiving and dispatching of alarm calls to police and fire agencies.

MONITORED ALARM SYSTEMS

- 7. (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.
- (2) Where the original alarm activation signal is received by a third party who then notifies the Royal Canadian Mounted Police 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 dispatcher receiving the call.

PENALTY

- 8. (1) A person who contravenes any provision of this bylaw shall upon summary conviction be liable to a minimum penalty of \$100.00 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.
- (2) Every day during which a contravention of or failure to comply with the bylaw continues is a separate offence.
- (3) 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 Treasurer 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, but does not extinguish any debts arising pursuant to Section 5 of the bylaw.

APPLICATION

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

THIS IS TO CERTIFY THAT this bylaw, of which the foregoing is a true copy, was duly passed at a duly called meeting of the Town Council by majority vote of the whole Council of the Town of Middleton on the 3rd day of July, 2001



E. L. Bennett
Town Clerk and Treasurer

GIVEN under the hand of the Town Clerk and Treasurer and under the corporate seal of the Town of Middleton this 5th day of July, 2001



E. L. Bennett
Town Clerk and Treasurer

- 1. Notice to Council May 23/01
- 2. Date of First Reading June 4/01
- 3. Date of 2nd Reading & Passing July 3/01
- 4. Date of Publication of Notice of Passing July 11/01

Amended per motion of Council May 6, 2002