

**Municipality of the District of Digby**  
**BY-LAW RESPECTING INTRUSION, ROBBERY, AND FIRE ALARM**  
**SYSTEMS**

***GENERAL***

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

***INTERPRETATION***

2. In this By-law,
  - (i) Unless clearly indicated otherwise
    - (a) words used in the present tense include future;
    - (b) words in the singular number include the plural;
    - (c) words in the plural include the singular number;
    - (d) words in the masculine include the feminine, and;
    - (e) The word "used" includes "arranged", "designed or intended to be used", and;
    - (f) The word "shall" is mandatory and not permissive.
  - (ii) **“Alarm Coordinator”** means the person appointed by the Chief Administrative Officer to administer the Alarm By-Law.
  - (iii) **“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:
    - a. personal alerting devices
    - b. a device that is installed in a vehicle
    - c. residential smoke detector
  - (iv) **“Audible Alarm”** means an alarm system which generates an audible sound on the premises where it is activated;
  - (v) **“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;

- (vi) **“Chief Administrative Officer”** means the person appointed by the Municipal Council pursuant to bylaw 97-01 the Chief Administrative Officer Bylaw.
- (vii) **“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;
- (viii) **“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;
- (ix) **“Municipality” means the Municipality of the District of Digby;**
- (x) **“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 Municipality as the assessed owner.
- (xi) **“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. 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. Alarms activated in the following manner are hereby deemed **not** to be false alarms;
  - (i) any alarm which the owner can demonstrate was caused by the action of some other person other than:
    - (a) 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,
    - (b) the person who installed, connected, operated maintained or serviced the alarm system, or
    - (c) 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
  - (ii) Where the owner can demonstrate that the alarm was caused by a storm, lightning, earthquake or other violent act of nature; or
  - (iii) 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.

#### ***FEE FOR FALSE ALARMS***

6. 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:
  - (i) for a third false alarm a fee of \$ 100.00; and
  - (ii) for each subsequent false alarm the fee shall be increased by \$ 50.00
7. Where a fee is charged in accordance with this by-law, the Municipality shall invoice the owner of the real property.
8. An invoice issued under this by-law shall be due upon receipt and payable to the Municipality.
9. 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.
10. All fees collected become the property of the Municipality. The Chief Administrative Officer may direct payment to the Fire Department that responded to the false alarm.

### ***NOTIFICATION TO OWNERS***

11. 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.
12. 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.

### ***AUTOMATIC CALLING DEVICES***

13. 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 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.

### ***MONITORED ALARM SYSTEMS***

14. 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.
15. Where the original alarm activation signal is received by a third party who then notifies the Royal Canadian Mounted Police or 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/fire dispatcher receiving the call.

### ***SCOPE OF APPLICATION***

16. 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.

***PENALTY/OFFENCES***

- 17. 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.
  
- 18. Every day during which a contravention of or failure to comply with the by-law continues is a separate offence.

**Certification**

This is to certify that the foregoing is a true copy of a Bylaw passed at a duly convened meeting of the Council of the Municipality of the District of Digby, held the 25<sup>th</sup> day of October, 2004.

Given under the hands of the Warden and Chief Administrative Officer and the seal of the Municipality of the District of Digby this 28<sup>th</sup> day of October, 2004.

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James R. Thurber, Warden

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Brian Cullen,  
Chief Administrative  
Officer

**FIRST READING  
“NOTICE OF INTENT” PUBLICATION**

**JULY 19<sup>TH</sup>, 2004  
OCTOBER 9<sup>TH</sup>, 2004  
(HALIFAX HERALD)**

**SECOND ADVERTISEMENT**

**OCTOBER 20<sup>TH</sup>, 2004  
(DIGBY COURIER)**

**SECOND READING  
MINISTERIAL APPROVAL  
DATE OF PUBLISHING  
FORWARDED TO MINISTER**

**OCTOBER 25<sup>TH</sup>, 2004  
NOT REQUIRED  
NOVEMBER 3, 2004  
NOVEMBER 3, 2004**