

HALIFAX REGIONAL MUNICIPALITY

BY-LAW NUMBER B-400

Respecting Burglary, Robbery and Fire Alarm Systems

SHORT TITLE

1. This By -Law may be cited as the “Alarm By-law”.

INTERPRETATION

2. In this By-law:
 - (a) “Alarm Coordinator” means the person appointed by the Treasurer to administer the alarm By-law.
 - (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
 - (i) personal alerting devices
 - (ii) 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 the Halifax Regional Police or the Royal Canadian Mounted Police or the Halifax Regional Fire and Emergency Service resulting from the activation of an alarm system where an emergency situation does not exist;
 - (f) “Monitored Alarm System” - means an alarm system where the signal of an activation or intrusion or the commission of an unlawful act is received by a third party;
 - (g) “Municipality” - means the Halifax Regional Municipality;

- (h) 'Owner"- includes as it refers to the owner of property:
 - (i) a part owner, joint owner, tenant in common or joint tenant of the whole or any part of land or a building,
 - (ii) in the case of the absence or incapacity of the person having title to the land or building, a trustee, an executor, a guardian, an agent, a mortgagee in possession or a person having the care or control of the land or building,
 - (iii) in the absence of proof to the contrary, the person assessed for the property;
- (i) Repealed
- (j) Repealed
- (k) "Treasurer" - means the Treasurer of the Halifax Regional Municipality or his designate.

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.
- (2) An applicant for an alarm system permit shall apply to the Treasurer on a form as prescribed by the Treasurer and shall pay the prescribed fee as set out in Administrative Order 15.
- (3) Alarm system permits shall be issued by the Treasurer.
- (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.
- (5) An alarm system permit is required for each alarm system that is installed in any one location.
- (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 prescribed by the Treasurer.
- (7) The owner shall be responsible for informing the Treasurer or his designate of any and all changes in the information contained in the permit application.

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.

FALSE ALARMS

5. (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 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.
- (3) Claims by an owner that an alarm is not a false alarm pursuant to subsection (2) must provide the Alarm Coordinator with proof no later than sixty (60) days after the date of notification.

NOTIFICATION TO OWNERS

6. (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)
 - (a) The notice required by this section shall be in writing and may be served personally, by mailing it to the person at the latest address shown on the assessment roll, by electronic mail or by facsimile.
 - (b) A notice sent in accordance with this section is deemed to have been served on the

third day after it was sent.

FEE FOR FALSE ALARMS

7. (1) On the occurrence of a second and each subsequent false alarm during any consecutive twelve month period, there shall be a fee charged for each such occurrence as follows:
 - (a) For a second false alarm a fee of \$200.00;
 - (b) For a third false alarm a fee of \$300.00; and
 - (c) For a fourth or subsequent false alarm a fee of \$500.00.
- (2) Where a fee is charged in accordance with this By-law, the Municipality shall invoice the owner of the real property.
- (3) An invoice issued under this By-law shall be due upon receipt and payable to the Municipality.
- (4) Interest shall accrue on any fees remaining unpaid and outstanding for more than 30 days at a rate as set from time to time by Council.
- (5) All fees collected become the property of the Municipality.

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 Halifax Regional Police, the Royal Canadian Mounted Police or any dispatch or communication centre responsible for the receiving and dispatching of alarm calls to these agencies.

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.
- (2) Where the original alarm activation signal is received by a third party who then notifies the Halifax Regional Police or 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 police dispatcher receiving the call.

PENALTY

- 10. (1) A person who contravenes any provision of this By-law shall upon summary conviction be liable to a minimum penalty of \$100.00 and a maximum penalty of \$10,000.00, and in default of payment, to imprisonment for a term of not more than two months.
- (2) Every day during which a contravention of or failure to comply with the by-law continues is a separate offence.
- (3) A party alleged to have violated this By-law 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 7 of the By-law.

REPEAL OF BYLAWS AND ORDINANCES

- 11. The City of Halifax Ordinance No. 185, "Alarms Ordinance"; and Town of Bedford By-law 22103, "Alarm Systems By-law" as amended are hereby repealed.

APPLICATION

- 12. 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.

Done and passed by Council this 9th day of March, A.D., 1999.

SIGNED

Mayor

SIGNED

Municipal Clerk

I, Vi Carmichael, Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above- noted by-law was passed at a meeting of the Halifax Regional Council held on March 9, 1999.

SIGNED

Vi Carmichael, Municipal Clerk

BY-LAW B-400

Notice of Motion:	February 9, 1999
First Reading:	February 23, 1999
“Notice of Intent” Publication:	February 26, 1999
Second Reading:	March 9, 1999
Third Reading:	March 9, 1999
Approval of Minister of Housing & Municipal Affairs:	N/A
Effective Date:	April 10, 1999

Amendment No. 1 (By-Law B-401) Subsection (1) of Section 7

Notice of Motion:	March 30, 1999
First Reading:	April 13, 1999
“Notice of Intent” Publication:	April 17, 1999
Second Reading:	May 4, 1999
Approval of Minister of Housing & Municipal Affairs:	N/A
Effective Date:	May 8, 1999

Amendment No. 2 (By-law B-402)

Notice of Motion:	June 13, 2017
Firs Reading:	June 20, 2017
Public Hearing Publication:	July 1, 2017
Second Reading:	July 18, 2017
Approval by Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	August 1, 2017