

C A N A D A
PROVINCE OF QUEBEC
TOWN OF LAC-BROME

BY-LAW 557 - RM 110
Intrusion alarm system by-law

WHEREAS the powers conferred *by the Cities and Towns Act*,

WHEREAS *Council* wishes to regulate the installation and operation of alarm systems on the Municipality's territory;

WHEREAS it is necessary to remedy the problems caused by the high number of false alarms;

WHEREAS the Sûreté du Québec, within the framework of its management policy, provide assistance to the official designated by the municipal *Council* in his or her mission to maintain peace, order and public safety;

WHEREAS a notice of motion of the present by-law was previously given at the meeting of October 25, 2010

CONSEQUENTLY, IT IS HEREBY DECREED AS FOLLOWS:

- 1. **PREAMBLE**
The preamble forms an integral part of the present by-law.
- 2. **CANCELLATION AND REPLACEMENT OF THE PREVIOUS BY-LAW**

N/A
- 3. **DEFINITIONS**
For the purposes of this by-law, the following words and expressions mean:

Peace officer: A police officer who enforces the present by-law;

Competent Authority: An *Peace officer* and anyone else designated by the *Council* to enforce this by-law or any part of this by-law;

Council: Town of Brome Lake Town Council

Malfunction: Any unjustified or unnecessary triggering of an *Alarm System*, in particular when no trace of a break-in or attempted break-in can be found in a building protected by an *Alarm System* and if, according to the report of the *Competent Authority* visiting the premises, no reason appears to explain the triggering of the alarm.

Protected Location: Land, building or structure protected by an *Alarm System*.

Alarm system: Excluding all fire alarm systems, this term means any device, panic button or device intended to warn of the presence of an intruder, to warn of the commission of an offence, of an attempted break-in or of an attempted offence, in a *Protected Place* located on the territory of the municipality.

User: Any individual or legal entity who owns, rents or occupies a *Protected Site*.

4. **APPLICATION**

This by-law applies to all *Alarm Systems*, including Alarm Systems already installed or in use on the day this by-law comes into force.

5. **MAXIMUM DURATION OF SOUND SIGNAL**

An *Alarm System* equipped with an audible signal alerting outside the *Protected Premises* may not emit such an audible signal for more than ten (10) consecutive minutes.

6. **OBLIGATION TO DESIGNATE A RESPONDENT IN THE EVENT OF THE USER'S UNAVAILABILITY**

All *Users* must designate at least one person to be responsible for the *Protected Area*, who must be present when the *Alarm System* is triggered if the *User* is unable to attend.

7. **ALARM SYSTEM FEATURES**

All *alarm systems* must:

- a) Be designed and installed in such a way that third parties cannot easily prevent or interfere with its operation;
- b) Be designed and installed so as not to trigger unnecessarily;
- c) Remain operational without transition for a minimum period of eight (8) consecutive hours in the event of a power failure.

8. **PRESUMPTION OF MALFUNCTION, DEFECT AND UNNECESSARY TRIGGERING**

The triggering of an *Alarm System* is presumed, in the absence of proof to the contrary, to be due to unnecessary triggering, *Defect* or malfunction, when no evidence or trace of the presence of an intruder or the commission of an offence is found on the *Protected Premises* when the *Competent Authority* arrives.

9. **PROHIBITION OF AUTOMATIC CALLS TO THE POLICE**

It is forbidden for any *User* to connect to the Sûreté du Québec by means of automatic dialing or any other similar computerized means.

10. **AUDIBLE SIGNAL INTERRUPTED AND REACTIVATED**

The *Competent Authority* may, in the performance of its duties, enter a building to interrupt the sound signal, which has been emitted for more than ten (10) consecutive minutes.

It is the *User's* responsibility to ensure that the *Alarm System* is reactivated following the interruption of the audible signal.

For the purposes of this article, the *Competent Authority* is authorized to incur the necessary costs on behalf of the municipality.

11. SITE INSPECTION BY THE COMPETENT AUTHORITY

In addition to the powers conferred upon the *Competent Authority* by the present by-law, the latter is authorized to visit and examine, between 9 a.m. and 7 p.m., any movable and immovable property, including the interior and exterior of said property, in order to ascertain whether the present by-law is being complied with, and any *User* of such property must receive the *Competent Authority*, allow it to enter and answer all questions put to them in connection with the enforcement of the present by-law.

12. FALSE ALARM

It is forbidden, for any *User*, to lodge or transmit directly or indirectly, either through a central alarm station or otherwise, more than one false alarm to the municipality's public safety department during a consecutive twelve (12) month period due to unnecessary activation, *Defect* or malfunction.

The public safety department's computerized calling card can establish the number of false alarms and can be submitted as evidence in court if need be.

13. THE PEACE OFFICER AND OFFICIAL DESIGNATED TO APPLY THE BY-LAW

The Council authorizes any peace officer, as well as the designated official, to apply the present by-law, and authorizes these individuals to issue statements of offence useful for this purpose, indicating in particular the nature of the alleged offence and the amount of the fine.

The procedures that follow the issuance of a statement of offence are those set out in the Code of Penal Procedure (LRQ, c. C-25.1).

14. FINES AND COSTS

Anyone who contravenes to article 12 of this by-law commits an offence and is liable to a fine of \$50 for the second false alarm, \$100 for the third false alarm and \$200 for the fourth and subsequent false alarms.

Anyone who contravenes to any of articles 5, 6, 7, 9, 10 and 11 of this by-law commits an offence and is liable to a fine of \$50 to \$1,000 for a first offence if the offender is a physical person and \$100 to \$2,000 for a first offence if the offender is a legal entity, a fine of \$100 to \$2,000 for a repeated offence, within a 12-month period, if the offender is a physical person, and a fine of \$200 to \$4,000 for a repeated offence, within a 12-month period, if the offender is a legal entity;

In all cases, prosecution costs are extra. These fees are established in accordance with the tariffs adopted under the *Code of Penal Procedure of Quebec* (LRQ, chapter C-25.1).

The time limits for the payment of fines and costs imposed under this article and the consequences of failure to pay said fines and costs within the prescribed time limits are established in accordance with the *Code of Penal Procedure of Quebec* (LRQ, chapter C-25.1).

If an offence lasts more than one day, the offence committed on each day constitutes a separate offence and the penalties enacted for each offence may be imposed for each day the offence lasts, in accordance with this article.

15. CIVIL LAW RECOURSE

Notwithstanding recourse to penal proceedings instituted in accordance with the *Code of Penal Procedure of Quebec*, Town of Brome Lake may undertake before the courts of civil jurisdiction, including the Municipal Court, any recourse, action or claim necessary to ensure compliance with the present title, including the collection of all costs actually incurred by its various municipal

departments, in application of the present title, with the exception of police service costs.

16. **COMING INTO FORCE**

The present by-law shall come into force in accordance with the law.

DONE and ADOPTED at the regular meeting of December 6, 2010.

Gilles Decelles, Mayor

Me Alain R. Roy, LL.M., OMA, Clerk

Follow-up
Notice of motion: October 25, 2010
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