

MUNICIPALITY OF LOW

REGULATION NUMBER: SQ 2017-007

Municipal By-law: LOW-07-2017

NOTICE OF MOTION: April 27, 2017

CARRIED ON: May 1, 2017

PUBLICATION: May 2, 2017

COMING INTO FORCE: May 2, 2017

CANADA
PROVINCE OF QUEBEC
MUNICIPALITY OF LOW

**BY-LAW ON ALARM SYSTEMS
ENFORCEABLE BY THE SÛRETÉ DU QUÉBEC**

WHEREAS the Council wishes to regulate the installation and operation of alarm systems in the territory of the Municipality;

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

WHEREAS a copy of By-law 2017-007 was provided to the members of the Council no later than 2 legal days before the regular meeting of May 1, 2017, that all the members present declare that they have read the draft by-law and that they forfeit its reading .

CONSEQUENTLY,

It is moved by Michèle Logue-Wakeling
seconded by Joanne Mayer
And resolved

THAT :
This By-law be adopted.

SECTION 1 The Preamble shall form an integral part of this Regulation.

SECTION 2 "DEFINITIONS" For the purposes of this By-law, the following words and expressions mean:

"PROTECTED PLACE" means a construction, a structure protected by an alarm system.

"ALARM SYSTEM" means any device, panic button or system intended to warn of the presence of an intruder, to warn of the commission of an offense or a break in or an attempt to break into a protected place on the territory of the Municipality.

"USER" means any person or legal entity who owns or occupies a protected place.

SECTION 3 "APPLICATION" This By-law applies to any alarm system including alarm systems already installed or in use on the day of entry into force of this By-law.

SECTION 4 "SIGNAL" When an alarm system is fitted with a bell or other sound signal to alert outside of the protected premises, the alarm system shall be so designed as not to beep for more than twenty-five consecutive minutes.

SECTION 5 "INSPECTION" A police officer is authorized to enter any place protected by an alarm system if no one is on the premises and able to interrupt the audible signal.

SECTION 6 "CHARGES" The Municipality may claim from any user of an alarm system the expenses incurred in the event of defect or malfunction of an alarm system. The costs are set at five hundred dollars (\$500.) which may be claimed in addition to the penalty set out in Section 11 of this By-law.

SECTION 7 "OFFENSE" It shall constitute an offense and shall render the user liable to the fines provided for in SECTION 11 and to the costs provided for in SECTION 6, any triggering of alarm beyond the second triggering of the system during a consecutive period of twelve (12) months due to defect or malfunction of the alarm system, for each period beginning on January 1 of each year and ending on December 31 of each year.

SECTION 8 "PRESUMPTION" The triggering of an alarm system shall be deemed, in the absence of evidence to the contrary, to be due to defect or malfunction, where there is no evidence or trace of the presence of an intruder or the commission of an offense recorded on the protected premises upon the arrival of the police officer or the officer in charge of the application of all or part of this by-law.

"UNFOUNDED SAFETY ALARM TRIGGER" means the activation of a security alarm for which there is no evidence that an unauthorized entry or a criminal offense has been committed or attempted to be committed in a building or place; it also means the triggering of a safety alarm for which there is no evidence of smoke or fire and includes in particular:

- a) The triggering of a safety alarm system during testing;
- b) The triggering of a safety alarm system due to defective, faulty or inadequate equipment;
- c) The triggering of a safety alarm system due to atmospheric conditions, vibrations or power failure;
- d) The inadvertent, unnecessary or negligent trigger of a safety alarm system by any user;
- e) The triggering of an alarm system shall be deemed, in the absence of evidence to the contrary, to be unfounded where there is no evidence detected or record of the presence of an intruder, the commission of an offense, a fire, the beginning of a fire or a hazard on the premises protected at the arrival of the police officer, the fire brigade or the officer in charge of the application of the present by-law;
- f) When a safety alarm has been triggered by any animal.

SECTION 9 "RIGHT OF INSPECTION" The Council authorizes the officers of the Municipality or any person appointed by the Council and the police officers to visit and examine between 7 am and 7 pm or beyond these hours for reasonable motive, any movable or immovable property and the exterior or interior of any house, building or buildings, to ascertain whether the present by-law is applied therein, and thus any owner, tenant or occupant of such houses, buildings or buildings, shall allow them to enter and answer all questions put to them in connection with the implementation of this by-law.

PENALTIES

SECTION 10 "APPLICATION" The Council authorizes all police officers of the Sûreté du Québec to institute criminal proceedings against any offender and to issue statements of offense for any contravention of one of the provisions of this by-law.

The Council also authorizes any municipal officer or employee appointed by the Council to undertake criminal proceedings on behalf of the Municipality against any offender and to issue statements of offense for any contravention of any of the provisions of this by-law.

SECTION 11 "PENALTY" Any person who contravenes any of the provisions of this by-law is guilty of an offense.

A person who commits a first offense is liable to a fine of not less than two hundred dollars (\$200.00) and not more than five hundred dollars

(\$500.00) in the case of a person and not less than three hundred dollars (\$300.00) and not more than one thousand dollars (\$1,000.00) in the case of a legal entity.

A person who commits a second offense under the same provision within a period of two (2) years of the first offense is liable to a fine of not less than four hundred dollars (\$400.00) and not more than one thousand dollars (\$1,000.00) in the case of a person, and not less than five hundred dollars (\$500.00) and not more than one thousand five hundred dollars (\$1,500.00) in case of a legal entity.

A person who commits a subsequent offense under the same provision within a period of two (2) years of the first offense is liable to a fine of not less than five hundred dollars (\$500.00) and not more than one thousand two hundred dollars (\$1,200.00) in the case of a person, and not less than one thousand dollars (\$1,000.00) and not more than two thousand dollars (\$2,000.00) in case of a legal entity.

SECTION 12 "REPEAL" This by-law repeals and replaces in its entirety and for any purpose regulation 2011-007 and any previous municipal by-law inconsistent with the provisions of this by-law.

This repeal shall not be construed as affecting any matter or thing done or to be done under the by-law so repealed. Any offense or prosecution under the repealed by-law or any regulation referred to therein may be continued in the manner prescribed in those regulations.

SECTION 13 "ENTRY INTO FORCE" This by-law shall enter into force in accordance with the law.

Mayor

Secretary-Treasurer

Notice of motion given on: April 27, 2017

Regulation adopted on: May 1, 2017

Publication and entry into force: May 2, 2017

