

TOWN OF AMHERST

BY-LAW

RESPECTING INTRUSION, ROBBERY AND FIRE ALARM SYSTEMS

SHORT TITLE

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

DEFINITIONS

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 an unauthorized entry into a building, structure or facility or for alerting others of the commission of an unlawful act, or a 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
- 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 to an alarm by the Amherst Police Department or Amherst Fire Department 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 intrusion, the commission of an unlawful act, or the detection of a fire is received by a third party;
- g) “*Town*” – means the town of Amherst;
- h) “*Owner/Lessee*” – 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 Town 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) “*Treasurer*” – means the Treasurer of the Town of Amherst or their designate

AUDIBLE ALARM SYSTEMS

3.

- a) 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 except for an alarm system designed or used to detect heat, smoke or fire.

FALSE ALARMS

4.

- a) No person shall cause, permit suffer or allow false alarms to emanate from a location where an alarm system is installed.
- b) Alarms activated in the following manner are hereby deemed **not** to be false alarms:
 - a) Where the owner can demonstrate that the alarm was caused by a storm, lightening, earthquake or other violent act of nature; or
 - b) Where the alarm coordinator is satisfied that the occurrence is isolated and due to a mechanical failure, that has since been corrected by a qualified contractor, proof of which has been provided.

AUTOMATIC CALLING DEVICES

5.

- a) No person shall use, maintain or install, or permit the use, maintenance or installation of any calling device which is programmed to transmit a message to any telephone number assigned to the Amherst Police Department, Amherst Fire Department 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

6.

- a) When a third party is responsible for monitoring an alarm for intrusions only, the third party shall verify that the alarm activation is not accidental by contacting the premise prior to notifying the appropriate police agency. If a police agency is dispatched prior to verification, there will be no waiver or fee if call is cancelled subsequent to police being dispatched.
- b) Where the original alarm activation signal is received by a third party who then notifies the Amherst Police Department or the Amherst Fire Department of the alarm, the third party shall supply the required contact information for the Owner/Lessee of the premises or real property to the police/fire dispatcher receiving the call.

FEE FOR FALSE ALARMS

7.

- a) On the occurrence of a third and for each subsequent false alarm during any one calendar year, the owner/lessee will be required to pay a fee of \$50.00 for each such occurrence;
- b) Where a fee is charged in accordance with this by-law, the Town shall invoice the owner/lessee of the real property. The fee shall be payable within 14 days.

- c) An invoice issued under this by-law shall be due upon receipt and payable to the town.
- d) All fees collected become the property of the Town.

NOTIFICATION TO OWNERS

8.

- a) Upon the first occurrence of a false alarm, a notice will be provided to the owner/lessee 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 in any one calendar year.
- b) The notice required by this section shall be in writing and delivered by hand or regular mail to the subject property or the owner/lessee. A notice sent in accordance with this section will be deemed to have been received.

APPLICATION

9. This by-law applies to all alarms in use within the Town whether installed before or after the coming of force of this by-law.

PENALTY

10.

- a) A person who contravenes any provision of this by-law shall upon summary conviction be liable to a minimum penalty of \$50.00 and a maximum penalty of \$1,000.00 and in wilful default of payment of the penalty the offender may be imprisoned for a maximum period not exceeding ninety days.
- b) Every day during which a contravention of or failure to comply with this by-law continues is a separate offence.