

MUNICIPALITY OF PONTIAC

MRC DES COLLINES-DE-L'OUTAOUAIS

BY-LAW NUMBER 14-RM-01

**BY-LAW NO. 14-RM-01 TO MODIFY BY-LAW NO. 12-RM-01
CONCERNING ALARMS WITHIN THE LIMITS OF THE
MUNICIPALITY OF PONTIAC**

WHEREAS this Council deems it necessary and of public interest to regulate the installation and working order of alarm systems within its territory;

WHEREAS at a regular council meeting on May 9, 2006, the Municipality of Pontiac adopted resolution no. 06-05-151 to modify the numbers on the standardized by-laws 02-RM-01 « alarms », 03-RM-02 « animals », 02-RM-03 « traffic and parking », and 02-RM-04 « peace and order » by the numbers 06-RM-01 « alarms », 06-RM-02 « animals », 06-RM-03 « traffic and parking » and 06-M-04 « peace and order »;

WHEREAS at a regular council meeting on October 10, 2006, the Municipality of Pontiac adopted resolution no. 06-10-284 to adopt by-law no. 06-RM-01-1 concerning alarms;

WHEREAS at a regular council meeting on December 12, 2006, the Municipality of Pontiac adopted resolution no. 06-12-365 to adopt by-law no.06-RM-01-2 – to abrogate and replace by-laws 06-RM-01-1, 06-RM-01 and 02-RM-01 concerning alarms within the limits of the Municipality of Pontiac;

WHEREAS it is necessary to modify the by-laws identified above concerning alarms within the limits of the Municipality of Pontiac;

WHEREAS a notice of motion was given at a regular council meeting on May 13, 2014 to the effect that the present by-law would be submitted for approval;

FOR THESE PURPOSES it is

Moved by: Brian Middlemiss
Seconded by: R. Denis Dubé

ARTICLE 1 – DEFINITIONS

For interpretation purposes of the present by-law, and unless the context states otherwise, here is a description of words and expressions, without restriction :

1.1 Calendar year :

Refers to a a calendar year beginning on January 1st and ending on December 31st of the same year.

1.2 Protected area :

Refers to a property, a building or a structure protected with an alarm system.

1.3 Municipality :

Refers to the Municipality of Pontiac.

1.4 Person :

Refers to and includes any individual or corporation.

1.5 Alarm system :

Refers to any device or system reporting a danger or a specific problem, be it an intrusion attempt, a fire, a distress signal, a gas leak or a flood, by means of a sound or light signal that can be heard or seen from outside a building or by means of an automated communication to an emergency service or an alarm company.

1.6 User :

Refers to any individual who is the owner, tenant or person in the possession of a property.

ARTICLE 2 – IMPLEMENTATION OF THE BY-LAW

2.1 The MRC des Collines-de-l’Outaouais peace officers are authorized to start criminal proceedings against any offender of the provisions of the present by-law. These persons are in charge of implementing the present by-law.

Furthermore, the Municipality authorizes the Secretary-treasurer and Director General, as well as any person that is designated by means of a by-law, to begin criminal proceedings against any offender of the provisions of the present by-law. These persons are in charge of implementing all of the provisions of the present by-law.

2.2 In addition to the powers given in article 2.1, the officer in charge of implementing the present by-law is authorized to visit and examine any personal property or real estate, as well as the interior and exterior of a home, building or structure, between 7 :00 a.m. and 7 :00 p.m. in order to establish if the present by-law is being respected, and any owner, tenant or occupant of a property, home, building or structure must invite them in and answer any questions they are asked related to the enforcement of the present by-law.

ARTICLE 3 – GENERAL PROVISIONS

3.1 The present by-law applies to any person who possesses and/or uses an alarm system.

3.2 The permit required for the installation or the use of an alarm system is free.

3.3 Before any alarm system is installed or its operation is maintained, a permit must be issued by the MRC des Collines-de-l’Outaouais Public Security department.

3.4 The permit is issued upon the request of the owner, tenant or occupant of the property, building or establishment who wishes to have it protected with an alarm system.

If the owner of the building, where an alarm system is functional, lends, rents or temporarily yields the use of a building, the tenant and/or person using the building is the alleged occupant.

3.5 The permit becomes void when there is a change of owner, tenant or occupant of the area protected with an alarm system to which the permit was issued.

3.6 Whomever uses an alarm system must notify the MRC des Collines-de-l'Outaouais Public Security department within 60 days of it being activated.

The notice must be done in writing and include all of the information provided in article 3.7. All of the provisions of article 3.7 must also be respected.

3.7 The request for a permit must be done in writing and include :

- a) The first and last name, address and telephone number, cellular phone and pager number or any other method of communication with the user;
- b) The first and last name, address and telephone number, cellular phone and pager number or any other method of communication with the owner of the protected area when the user is not also the owner of the premises;
- c) The address and description of the protected areas;
- d) The name and address of any agency or central alarm facility to which the alarm system is connected;
- e) In the case where a corporation is involved, the first and last name, address and telephone number, cellular phone and pager number or any other method of communication with one of the corporation's administrators;
- f) The first and last name, address and telephone number, cellular phone and pager number or any other method of communication with three other persons, aside from the users or the occupants, who, in the event of an alarm, may be reached and are authorized to enter on the premises in order to stop the alarm;
- g) The activation date of the alarm system.

3.8 Any modification to the information requested in article 3.7 must be transmitted to the MRC des Collines-de-l'Outaouais Public Security department within 24 hours.

3.9 A permit cannot be issued if the planned installation or use of the alarm system does not meet the requirements of the present by-law.

3.10 When an alarm system equipped with a bell or any other audible alarm for the purpose of ringing outside of the protected area, the alarm system must be set so that the audible sound does not ring for more 10 minutes.

3.11 The owner, tenant or occupant of the premises or establishment that is protected with an alarm system, as well as his officers, employees or anyone acting in his capacity in accordance with a contract or other, must respect the requirements of the by-law, cooperate at all times with the designated person in order to respect and implement the present by-law according to article 2.1, and to comply with any request in that respect on behalf of this person and take all necessary measures to ensure the efficiency of the system. Notably by, and not restricting the range of this article :

1. Remaining accessible at all times at the identified place, telephone, cellular or pager numbers, when the alarm system is connected to a central, so that the Public security or the pager agency may reach him in the event of an alarm;
2. Going immediately to the premises when the alarm system has been set off, giving access to the police officers, stop the alarm and reset the system.

3.12 The officer in charge of implementing the present by-law is authorized to enter any area protected with an alarm system if there is no one there, in order to stop the audible alarm if the sound affects the tranquility and public peace.

- 3.13 The MRC des Collines-de-l’Outaouais Public security is authorized to claim from any owner, tenant or occupant of the premises that is protected with an alarm system, the fees incurred by the alarm, that include those by entering the premises.
- 3.14 The fact that an alarm system has been set off more than once because of an unfounded alarm constitutes an offence to the present by-law, and that is during a calendar year.
- 3.15 « Unfounded alarm » : Means setting off the security alarm when there is no proof of an unauthorized entry or that a criminal offence was attempted or occurred in, or in respect to a building or any area; also means setting off the security alarm to which there is no proof of smoke or fire and notably includes :
- a) Setting off the security alarm while testing the alarm system;
 - b) Setting off the security alarm because of faulty or inadequate equipment;
 - c) Setting off the security alarm because of weather conditions, vibrations or a power failure;
 - d) Setting off the security alarm by mistake, unnecessarily, or by negligence, by any user;
 - e) Setting off the security alarm, is presumed, in the absence of evidence to the contrary, to be for reasons unfounded, when there is no proof or trace of an intruder, of an offence being committed, of a fire, the beginning of a fire or any danger established at the premises upon the arrival of the police officer, firefighters or the officer in charge of implementing the present by-law;
 - f) When the security alarm has been set off by any animal.
- 3.16 Anyone who hinders on the job of the officer in charge of implementing the present by-law.

ARTICLE 4 – PENAL PROVISIONS OF THE LAW

- 4.1 Anyone who contravenes to any of the provisions of the present by-law commits an offence and is liable :
- a) Of a minimum \$200 fine and a maximum \$1,000 fine.
 - b) If the offence is repeated, each day it constitutes a new and distinct offence and the offender is liable to a fine each day for as long as the offence occurs.
- 4.2 Any corporation who contravenes to any of the provisions of the present by-law commits an offence and is liable :
- a) Of a minimum \$ 300 fine and a maximum \$ 2 000 fine;
 - b) If the offence is repeated, each day it constitutes a new and distinct offence and the offender is liable to a fine each day for as long as the offence occurs.
- 4.3 Upon sentencing, the court of competent jurisdiction may sentence the offender to payment of the fine provided for in articles 4.1 and 4.2, order that the offender take the necessary measures to have the said nuisance stopped and that, if there is failure of performance within the term stipulated, that such measures be taken by the Municipality, at the offender’s expense.

ARTICLE 5 – DECLARATORY ACT

- 5.1 The preamble is an integral part of the present by-law.


5.2 The masculine and singular are used in the present by-law without discrimination and includes the feminine and plural, in order to reduce the size of the document.

5.3 If there should be conflict of judicial interpretation, the French version of this document will prevail for the application of this by-law.

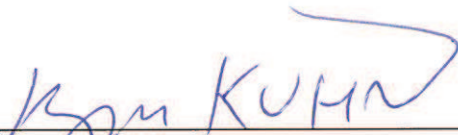
ARTICLE 6 – ABROGATION AND COMING INTO FORCE

6.1 For whatever purpose it may serve, the present by-law abrogates and replaces by-law number 06-RM-01-2 – To abrogate and replace by-laws 06-RM-01-1, 06-RM-01 and 02-RM-01 concerning alarms within the limits of the Municipality of Pontiac.

6.2 The present by-law will come into force following the accomplishing formalities enacted by Law.



Roger Larose
Mayor



Benedikt Kuhn
Assistant Director General

Date of notice of motion:	<u>May 13, 2014</u>
Date of adoption of the by-law	<u>June 10, 2014</u>
Date of publication of public notice	<u>June 17, 2014</u>