

CANADA  
PROVINCE OF QUEBEC  
MUNICIPALITY OF LITCHFIELD

BY-LAW S.Q. 2011-006  
CONCERNING ALARM SYSTEMS  
ENFORCEABLE BY THE QUEBEC PROVINCIAL POLICE

WHEREAS under section 85 of the *Municipal Powers Act* (Q.R.S., chapter C-47, 1), any local municipality may adopt by-laws relating to the general well-being of its population;

WHEREAS the municipality has received a request from the RCM of Pontiac asking that it update its by-laws with respect to criminal matters, and

WHEREAS a regular notice of motion was given on November 7<sup>th</sup>, 2011;

CONSEQUENTLY it is moved by Ken O'Leary that this by-law abrogate and replace all interior By-Law relating to alarm systems, as enforceable by the Quebec Provincial Police.

IT IS ALSO RESOLVED that this by-law be adopted:

"Preamble" SECTION 1 The preamble forms an integral part of this by-law.

"Definitions" SECTION 2 For purposes of this by-law, the following definitions shall apply.

Protected premises: Buildings, lots, construction or any other work protected by an alarm system.

Alarm system: Any device, panic button or equipment used to indicate the presence of an intruder, the act or attempt of breaking and entering or an offence, in protected premises located on the territory of the municipality.

User: Any natural or artificial person who is the owner or

occupant of protected premises.

"Application"	SECTION 3	This by-law applies to any alarm system, including systems already installed or in use on the effective date of this by-law.
"Permit"	SECTION 4	An alarm system may not be installed or an already existing alarm system changed without a permit being first issued.
"Transfer"	SECTION 5	Permits are not transferable. A permit must be obtained by any new user or whenever a change is brought to the alarm system.
"Notice"	SECTION 6	Whoever makes use of an alarm system on the effective date of this by-law shall, within sixty (60) days, provide notice to the person responsible for the application of this by-law.
"Elements"	SECTION 7	The notice mentioned in section 6 must be given in writing.
"Signal"	SECTION 8	When an alarm system is equipped with a bell or any other signal designed to give an alert outside the protected premises, the said system shall be designed in such a way as to not produce any sound signal consecutively for a period of more than twenty minutes.
"Authorization"	SECTION 9	The officer of the peace responsible for the application of all or any part of this by-law shall be authorized to enter any vacant premises protected by an alarm system for the purpose of interrupting a signal if it been sounding consecutively for more than twenty minutes.
"Expenses"	SECTION 10	The municipality shall be authorized to claim from any user of an alarm system the expenses incurred in case of a defect or malfunction, namely the expenses incurred for purposes of entering a building, in accordance with section 9.
"Offence"	SECTION 11	It is an offence to activate a system, over and above the second activation made during a consecutive period of twelve months, from January 1 <sup>st</sup> to December 31 <sup>st</sup> of the present year for reasons of

defect or malfunction. The contravener is liable to such penalties as provided under section 15.

"Presumption" SECTION 12 Failing any evidence to the contrary, the activation of an alarm system shall be presumed to have been caused by a defect or malfunction, when there is no evidence or trace of the presence of an intruder, the commission of an offence, a fire or the beginning of a fire on the protected premises upon the arrival of peace agents, firefighters or an official responsible for the application of all or part of this by-law.

"Inspection" SECTION 13 The officer responsible for the application of this by-law shall be authorized to visit and examine any movable or immovable property, between 7:00 a.m. and 7:00 p.m., as well as the exterior or interior of any house, building or structure, to discover whether by-laws are executed therein, and thus all owners, tenants or occupants of such houses, buildings and structures must receive these persons and answer all questions asked with respect to the execution of this by-law.

"Authorization" SECTION 14 The person responsible for the application of this by-law shall be any official or municipal employee appointed by Council.

Council also authorizes all peace agents of the Quebec Provincial Police to undertake criminal proceedings against any contravener, and to issue statements of violation for any offence to one of the provisions of this by-law.

## PENAL PROVISIONS

"Fines" SECTION 15 Whoever contravenes a provision of this by-law commits an offence.

Whoever commits a first offence is liable to a fine of one hundred dollars (\$ 100) in the case of natural person, and of two hundred dollars (\$ 200) in the case of an artificial person.

Whoever commits a second offence with respect to the same provision during a period of twelve (12) months following a first offence is liable to a fine of a hundred and fifty dollars (\$ 250) in the case of a

natural person, and of three hundred dollars (\$ 300) in the case of an artificial person.

Whoever commits a third offence with respect to the same provision during a period of twelve (12) months following a first offence is liable to a fine of two hundred dollars (\$ 200) in the case of a natural person, and of four hundred dollars (\$ 400) in the case of an artificial person.

Whoever commits any subsequent offence with respect to the same provision during a period of twelve (12) months following a first offence is liable to a fine of three hundred dollars (\$ 300) in the case of a natural person, and of six hundred dollars (\$ 600) in the case of an artificial person.

In all cases, legal expenses shall be additional.

"Abrogation"           SECTION 16   This by-law abrogates any previous municipal by-law which is incompatible with its provisions.

"Effective date"       SECTION 17   This by-law shall become effective according to law.

Adopted by the Municipal Council during a meeting held December 5<sup>th</sup>, 2011 and signed by the Mayor and the Secretary-Treasurer.

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Mayor

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Secretary-Treasurer