

**BY-LAW NUMBER 2018-01  
CONCERNING ALARM SYSTEMS**

**WHEREAS** the municipalities served by the *Sûreté du Québec*, Memphremagog RCM district, have agreed to adopt regulations to facilitate standardized application by the *Sûreté du Québec*;

**WHEREAS** in order to maintain this uniformity, the following municipalities: Ayer's Cliff, Bolton-East, Eastman, Hatley Township, Hatley, Ogden, North Hatley, Potton Township, St-Étienne-de-Bolton, South Stukely, Town of Stanstead, Stanstead Township and Saint-Benoît-du-Lac, all served by the *Sûreté du Québec*, Memphremagog RCM district, should not amend these by-laws without consultation of the group;

**WHEREAS** the Council wishes to adopt a by-law to regulate the installation and functioning of alarm systems on the territory of the Municipalité

**WHEREAS** a notice of motion for this by-law was duly given at the regular meeting of Council held on September 4th, 2018;

**CONSEQUENTLY,**

**IT IS MOVED BY Councillor Stéphane Richard;  
SECONDED BY Councillor Robert Lacoste;  
AND RESOLVED**

**THAT** this by-law is adopted.

**ARTICLE 1. PREAMBLE**

The preamble is an integral part of this by-law.

**ARTICLE 2. REPLACEMENT**

The present by-law repeals By-law number 2010-10 and its amendments.

**ARTICLE 3. ARTICLE 3. DEFINITIONS**

For the purpose of this by-law, the following words and expressions shall have the meaning and scope attributed through this article :

"Protected place"

Land, construction or work protected by an alarm system.

" Alarm system "

Any device, panic button or device intended to warn of the presence of an intruder, the attempt or the commission of a burglary or an offense or a fire or a beginning of fire in a protected place located on the territory of the municipality.

"User"

Any natural or legal person who owns or occupies a protected place.

#### **ARTICLE 4. APPLICATION**

This by-law applies to any alarm system, including alarm systems already installed or in use on the day this by-law comes into force.

#### **ARTICLE 5. SIGNAL**

When an alarm system is equipped with an audible signal capable of giving an alert outside protected areas, the alarm system must be designed so that it does not sound for more than fifteen ( 15) consecutive minutes.

Lorsqu'un système d'alarme est muni d'un signal sonore propre à donner l'alerte à l'extérieur des lieux protégés, ce système d'alarme doit être conçu de façon à ne pas émettre le signal sonore durant plus de quinze (15) minutes consécutives.

#### **ARTICLE 6. INTERRUPTION OF SOUND SIGNAL**

The person responsible for the application of all or part of this by-law as well as any peace officer is authorized to enter, at any time, in any place protected by an alarm system, whether someone is there or not, for the purpose of interrupting the sound signal that has been sounding for more than fifteen (15) consecutive minutes. Such person may be accompanied by a witness.

#### **ARTICLE 7. COSTS**

The municipality is entitled to claim from any alarm system user, the costs incurred by it in the event of failure or malfunction of an alarm system, including the costs incurred by it for the purpose of interrupting the sound signal that has been transmitted for more than fifteen (15) consecutive minutes in accordance with section 6.

#### **ARTICLE 8. NUISANCE AND INFRACTION**

Constitutes a nuisance and is prohibited the fact that a user's alarm system is triggered, because of a defect or malfunction of the system, or the fact that, for whatever reason, the sound signal of a system alarm lasts more than fifteen (15) consecutive minutes, which constitutes an offense and renders the user liable to the fines provided for in Article 12.

#### **ARTICLE 9. PRESUMPTION**

The triggering of an alarm system is presumed, in the absence of evidence to the contrary, to be reason of any defect or malfunction of the system, when no evidence or trace of the presence of an intruder, the attempt or the commission of a burglary or an offense, a fire or the beginning of a fire is recorded on the protected premises upon the arrival of a peace officer, a firefighter or an officer responsible for the application of all or part of this by-law.

#### **ARTICLE 10. COMPETENT AUTHORITY**

The Council generally authorizes any police officer or any officer responsible for the application of this by-law to undertake criminal proceedings against any person infringing any provision of this By-law, and generally authorizes the people responsible for the application of this By-law to issue a statement of violation.

#### **ARTICLE 11. INSPECTION**

Without limiting the generality of article 6, the person responsible for the application of this by-law is authorized to visit and examine, between 7 am and 7 pm, all movable and immovable property, as well as the interior and the exterior of any house, building or structure, to ensure that this by-law is respected, and any owner, tenant or occupant of such properties, house, buildings and structures must receive these people, let them enter and answer all questions asked regarding the implementation of this by-law.

## **INFRACTIONS AND LEGAL STIPULATIONS**

### **ARTICLE 12. FINES**

Whosoever contravenes any provision of this By-law, notably article 8, commits an offense and is liable to a fine of seventy-five dollars (\$ 75.00) for a first offense if the offender is a natural person and a maximum of one thousand dollars (\$ 1 000.00) and if the offender is a corporation; to a fine of two hundred fifty dollars (\$ 250.00) and a maximum of two thousand dollars (\$ 2 000.00)

For a subsequent offense occurring within a period of twelve (12) months following the first offense or a subsequent offense and the offender is a natural person, a fine of two hundred dollars (\$ 200.00) and the maximum fine of two thousand dollars (\$ 2 000.00). If the offender is a corporation; the minimum fine is four hundred dollars (\$ 400.00) and the maximum is four thousand dollars (\$ 4 000.00).

In all cases, the prosecution costs are extra.

The deadlines for payment of fines and costs imposed through this article, and the consequences of failure to pay the said fines and costs within the prescribed time, are established in accordance with the *Quebec Criminal Procedure Code* (RSQ, c. C -25.1).

If an offense lasts more than one (1) day, the offense committed on each day constitutes a separate offense and the penalties imposed for each offense may be imposed for each day that the offense continues, in accordance with this article.

### **ARTICLE 13. OTHER OFFENDER**

Any person who does or omits to do something that helps another person to act in contravention of this By-law or encourages, through counsel, permission, consent, authorization, ratification, tolerance or otherwise, any another person to act in contravention of this By-law commits himself an offense and is liable to the same penalty as the person who contravenes this By-law.

### **ARTICLE 14. COMING INTO FORCE**

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

Signed and adopted by the Municipality of Ayer's Cliff at the regular meeting held on October 2, 2018.

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Kimball Smith  
Director General

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Vincent Gérin  
Mayor

*Notice of motion : September 4, 2018*

*Adoption : October 2, 2018*

*Coming into force : October 3, 2018*