

# HALIFAX

P.O. Box 1749  
Halifax, Nova Scotia  
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**Item No. 14.1.12**  
**Halifax Regional Council**  
**June 20, 2017**  
**July 18, 2017**

**TO:** Mayor Savage and Members of Halifax Regional Council

**SUBMITTED BY:**

Original Signed by 

\_\_\_\_\_  
Jacques Dubé, Chief Administrative Officer

**DATE:** May 24, 2017

**SUBJECT:** Amendments to By-Law B-400 & Administrative Order 15

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## **ORIGIN**

Approval of Committee of the Whole Motion on February 15, 2017

“THAT Committee of the Whole direct staff to include the \$300,000 budget savings, Option 2 for False Alarm fees as outlined in Attachment C of the staff report dated February 10, 2017 in the final 2017/2018 Multi-year Budget and Business Plan.”

Approval of Committee of the Whole Motion on April 11, 2017 THAT Halifax Regional Council adopt the:

1. “Resolution for Approval of Operating and Capital Budgets and Tax Rates for Fiscal 2017/2018,” as set out in Schedule 1 of the staff report dated March 31, 2017;

Approval of Halifax Regional Council motion on April 11, 2017 THAT Halifax Regional Council adopt the

1. “Resolution for Approval of Operating and Capital Budgets and Tax Rates for Fiscal 2017/2018,” as set out in Schedule 1 of the staff report dated March 31, 2017”

## **LEGISLATIVE AUTHORITY**

*Halifax Regional Municipality Charter*, R.S.N.S. 2008, c. 39, section 102, states that “Council may, by by-law, prescribe charges for the provision of services for persons who use or benefit from the service, on a basis to be set out in the by-law.”

By-law B-400, Respecting Burglary, Robbery and Fire Alarm Systems

## **RECOMMENDATION**

It is recommended that Halifax Regional Council

1. Adopt By-law B-402, the purpose of which is to amend By-law B-400, Respecting Burglary, Robbery and Fire Alarm Systems, as set out in Attachment C of this report; and

2. Amend Administrative Order 15 Respecting License, Permit and Processing Fees as set out in Attachment E of this report.

### **BACKGROUND**

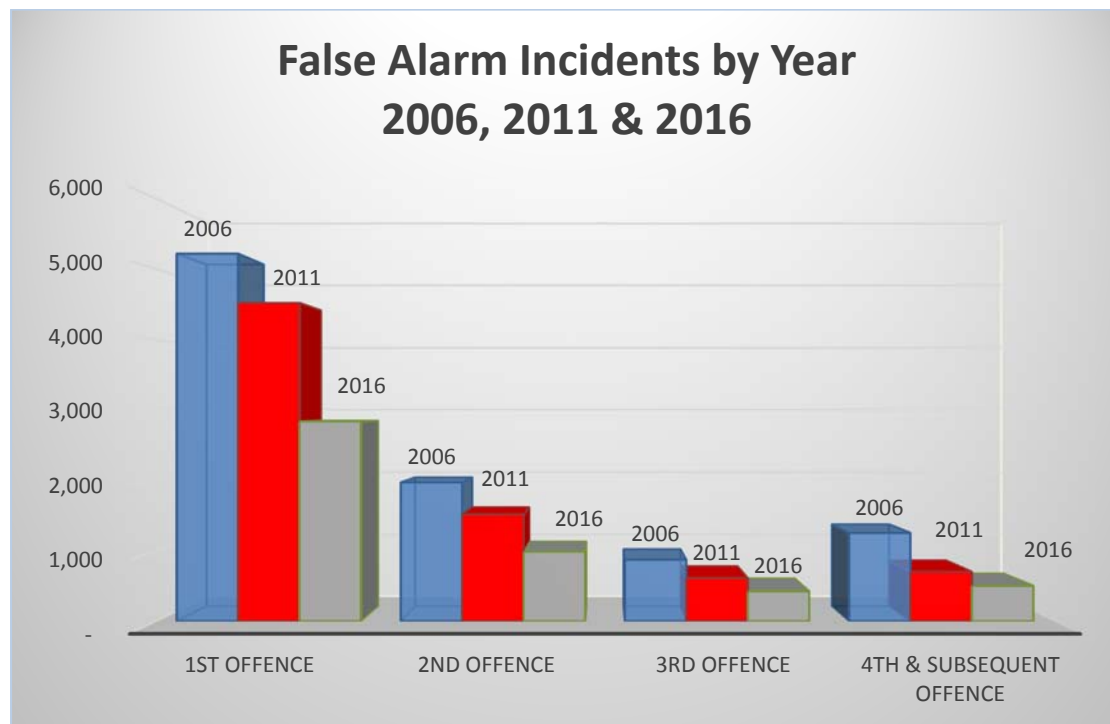
By-law B-400, Respecting Burglary, Robbery and Fire Alarm Systems was implemented and became effective 18 years ago, in April 1999. The main intent of the By-law was twofold:

1. Impose a level of accountability and responsibility on owners of alarm systems, and
2. Recover some of the costs incurred by Police & Fire Services when responding to false alarms

Under By-law B-400, the following schedule of fees relate to false alarm incidents over a 12-month period.

1 <sup>st</sup> offence	\$0
2 <sup>nd</sup> offence	\$100
3 <sup>rd</sup> Offence	\$125
4 <sup>th</sup> & consecutive offences	\$150

Since the inception of the By-law alarm incidents overall have reduced. The below graph compares the years 2006, 2011 and 2016.



**DISCUSSION**

For the 2017-18 operating budget, staff proposed and briefed Council on 2 options as outlined in Attachment A of this report, as well as other relevant supporting information regarding fees charged in other jurisdictions and Police and Fire operating costs to respond to a false alarm, which under the current fee structure has a recovery rate of 22%.

At the time of the 2017-18 budget deliberations annual false alarm fee revenue was estimated to be \$226,750 as outlined in Attachment A.

Council approved option 2 which estimates annual incremental income from the fee increases to be \$348,150.

**Option 2: Retain 1<sup>st</sup> offence free, 2<sup>nd</sup> \$200, 3<sup>rd</sup> \$300, 4<sup>th</sup> & subsequent \$500**

<b>1<sup>st</sup> Offence</b>	<b>2<sup>nd</sup> Offence</b>	<b>3<sup>rd</sup> Offence</b>	<b>4<sup>th</sup> &amp; Subsequent</b>	<b>Total</b>
2,835	986	424	501	<b>4,746</b>
\$0	\$200	\$300	\$500	
<b>\$0</b>	<b>\$197,200</b>	<b>\$127,200</b>	<b>\$250,000</b>	<b>\$574,900</b>

Estimated Revenue per Option 2 2017-18	\$574,900
Estimated Revenue (current fees) 2016-17	<u>\$226,750</u>
<b>Estimated Incremental income from Option 2</b>	<b><u>\$348,150</u></b>

The purpose of this report is to formalize the fees by amending By-law B-400 and Administrative order 15, as well as some minor housekeeping items.

Staff recommend that the amended By-law become effective August 1<sup>st</sup>, which will provide the time to administratively implement the charges and provide communication plans for the public and internal stakeholders. Under the amended By-law the new fee structure for false alarms will be as follows:

<b>1<sup>st</sup> offense</b>	<b>\$0</b>
<b>2<sup>nd</sup> offence</b>	<b>\$200</b>
<b>3<sup>rd</sup> Offence</b>	<b>\$300</b>
<b>4<sup>th</sup> &amp; consecutive offences</b>	<b>\$500</b>

The new fees will continue to be administered over a 12-month period which starts with the 1<sup>st</sup> offense.

The Table below outlines the false alarm fee structure for other Canadian Municipalities compared to HRM's current fee structure

City	1 <sup>st</sup> Offence	2 <sup>nd</sup> Offence	3 <sup>rd</sup> Offence	4 <sup>th</sup> and Subsequent Offences	Notes
HRM (Current)	\$0	\$100	\$125	\$150	
<b>HRM (Proposed)</b>	<b>\$0</b>	<b>\$200</b>	<b>\$300</b>	<b>\$500</b>	
Montreal	\$0 \$0 \$0	\$100 \$250 \$250	\$250 \$750 \$750	\$500 \$2,200 \$2,700	Residential Small Comm/Apt Comm/Industrial
St. Catherine's	\$1,350	\$1,350	\$1,350	\$1,350	
London	\$700	\$700	\$700	\$700	
Toronto	\$820 \$1,230	\$820 \$1,230	\$820 \$1,230	\$820 \$1,230	Residential Comm
Regina	\$0	\$0	\$75	Suspension of Service	
Calgary	\$0	\$300	\$600	\$1,000	
Victoria	\$0	\$0	\$0	100	
Vancouver	\$0	\$0	Suspension of Service	N/A	

All cities in the above table administer their respective fee structures on a 12-month cycle beginning with the 1<sup>st</sup> offence.

When compared to other municipalities in the above table, HRM false alarms fees are considerably lower except for Regina and Victoria.

**Summary of Housekeeping Amendments to By-law B-400.**

In addition to updating the false alarm fees, By-law B-400 was also reviewed as part of the By-law Review Project to determine if other amendments were required. Additional amendments were identified and are summarized as follows:

- Updating the definition of “owner” to reflect the HRM *Charter*, and repealing two definitions not used in the By-law;
- Removing reference to a schedule that did not exist;
- Adding a 60-day time limit to provide proof to the Alarm Coordinator that an alarm is not a false alarm charge;
- Updating the notice and penalty provisions to reflect the HRM *Charter*, and
- Amending section 7 (4) to reflect that false alarm charges are not a lienable charge under the HRM *Charter*. However, Staff will continue to bill false alarm charges to the property owner's tax account.

**FINANCIAL IMPLICATIONS**

As the new fee structure will be implemented on August 1, staff estimate that incremental income for fiscal 2017-18 will be \$230,000.

**RISK CONSIDERATION**

The risk associated with the implementation and administration of the new fee structure for false alarms is low.

**COMMUNITY ENGAGEMENT**

There has been no formal community engagement other than the 2017-18 budget deliberations. Staff will be initiating a communications plan to the public to advise on the increase of false alarm fees.

**ENVIRONMENTAL IMPLICATIONS**

N/A

**ALTERNATIVES**

Staff are not proposing any alternatives as Council has given direction and approval through the approval of the 2017-18 operating budget to increase false alarm fees as presented in this report.

**ATTACHMENTS**

Attachment A - February 15, 2017 Committee of the Whole Briefing

Attachment B – Showing Proposed Changes to By-law B-400

Attachment C - Amending By-law B-402

Attachment D – Incorporating Proposed Changes to By-law B-400

Attachment E – Amending Administrative Order 15

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A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Jerry Blackwood, CPA, CGA, Manager of Revenue, Treasurer 902.490.6470

Donna Boutilier, Solicitor & By-law Co-ordinator 902.490.2331

Financial Approval by:

Original Signed

Amanda Whitewood, Director of Finance and Asset Management/CFO, 902.490.6308

Original Signed

Report Approved by:

John Traves, Q.C., Municipal Solicitor 902.490.4226

# ATTACHMENT A – February 15, 2017 Committee of the Whole Briefing

## Attachment B – Options For Consideration Briefing Template

<b>Date the item was added</b>	Feb 8	<b>Business Unit</b>	Finance and ICT	
<b>2017/18 Amount</b> (negative is savings/revenue)	<b>2017/18 Avg Bill Impact</b>	<b>2018/19 Amount</b> (negative is savings/revenue)	<b>2018/19 Avg Bill Impact</b>	<b>2 Year Cumulative</b>
-\$300,000	-0.93	-\$300,000	-0.95	-\$600,000
<b>Option Description</b>	False alarm fine increase – fine has not been altered in numerous years. Revenues to be split between FICT, Police and Fire			
<b>Priority Alignment</b>	Fiscal Responsibility – HRM manages municipal resources with integrity and considers the impact on taxpayers when making decisions.			

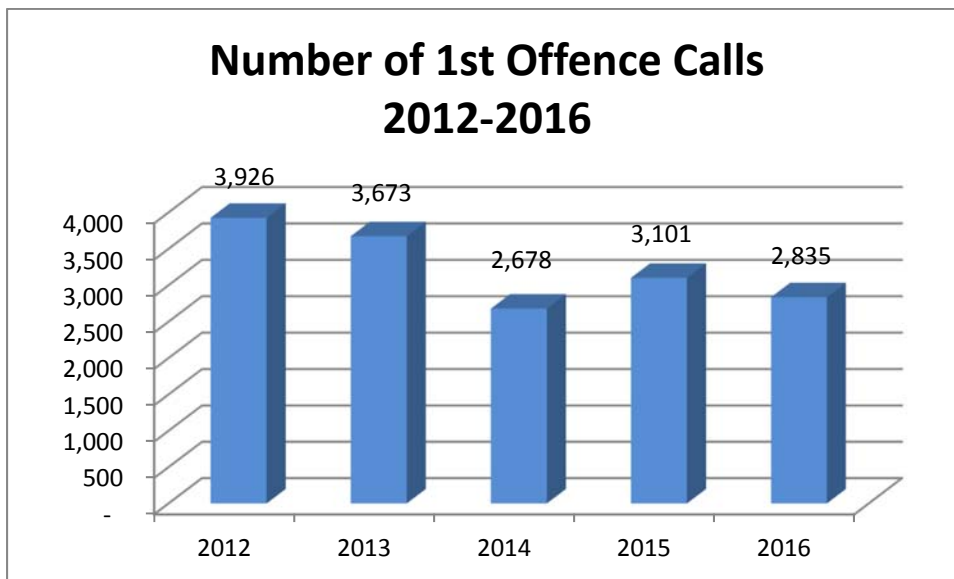
### Service implications and/or impact on Priority

The purpose for the false alarm fines is twofold; to serve as a motivator for property owners to manage their alarms responsibly, and to recover some of the costs to respond to false alarms. The current fees have been in place since 1999 and costs to respond have continued to grow.

Currently the first false alarm is free to property owners with costs borne by HRM to dispatch fire and/or police. Current fines generate revenue at a cost recovery rate of 22%. The option below would recover costs at a rate of 52%. This option retains the first free model, however there are various other fine options that could be considered should Council choose to explore this option further.

### False Alarm Analysis & Statistics

The below graph outlines false alarm calls for 1<sup>st</sup> offences for the period 2012 - 2016



The below table outlines percentage alarm calls by property type

Property Type	Total % of all Alarm Calls	1 <sup>st</sup> Offence	2 <sup>nd</sup> Offence	3 <sup>rd</sup> Offence	4 <sup>th</sup> & Subsequent Offence
Residential	26%	41%	24%	8%	6%
Apartment	16%	15%	20%	16%	16%
Commercial	54%	40%	54%	72%	72%
Industrial/Institutional	4%	4%	2%	4%	6%

Overall commercial properties have the largest number of alarm calls for 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup> and subsequent offences.

### Other Jurisdictions

Staff has collected data on alarm fees from other municipalities including Montreal, St. Catherine's, London, Toronto, Regina, Calgary, Victoria and Vancouver and compared to HRM. All cities with the exception of St. Catherine's, London & Toronto have no fine for the 1<sup>st</sup> offence.

The following table compares the average fine from the cross jurisdictional sample for 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup> and subsequent fines to HRM fines.

	2 <sup>nd</sup> Offence	3 <sup>rd</sup> Offence	4 <sup>th</sup> & Subsequent Offences
HRM	\$100	\$125	\$150
Average Fine per Jurisdictional Sample	\$450	\$650	\$1,180
Difference in Fines	-\$350	-\$525	-\$1,030

### 2016 Cost to Respond

- 4,746 False Alarm Responses at a total cost of \$1,051,000
- Police Cost \$156,000 Cost per call \$48
- Fire Cost \$895,000 Cost per call \$591

### Current Revenue & Fine Structure

1 <sup>st</sup> Offence	2 <sup>nd</sup> Offence	3 <sup>rd</sup> Offence	4 <sup>th</sup> & Subsequent	Total
2,835	986	424	501	4,746
\$0	\$100	\$125	\$150	
\$0	\$98,600	\$53,000	\$75,150	\$226,750

Of the total cost to respond to false alarms, HRM recovers \$226,750 or 22%

**Option 1: Retain 1<sup>st</sup> offence free, 2<sup>nd</sup> \$150, 3<sup>rd</sup> \$300, 4<sup>th</sup> & subsequent \$500**

<b>1<sup>st</sup> Offence</b>	<b>2<sup>nd</sup> Offence</b>	<b>3<sup>rd</sup> Offence</b>	<b>4<sup>th</sup> &amp; Subsequent</b>	<b>Total</b>
2,835	986	424	501	<b>4,746</b>
\$0	\$150	\$300	\$500	
<b>\$0</b>	<b>\$147,900</b>	<b>\$127,200</b>	<b>\$250,000</b>	<b>\$525,600</b>

- Incremental income from Option 1 is \$298,850

**Option 2: Retain 1<sup>st</sup> offence free, 2<sup>nd</sup> \$200, 3<sup>rd</sup> \$300, 4<sup>th</sup> & subsequent \$500**

<b>1<sup>st</sup> Offence</b>	<b>2<sup>nd</sup> Offence</b>	<b>3<sup>rd</sup> Offence</b>	<b>4<sup>th</sup> &amp; Subsequent</b>	<b>Total</b>
2,835	986	424	501	<b>4,746</b>
\$0	\$200	\$300	\$500	
<b>\$0</b>	<b>\$197,200</b>	<b>\$127,200</b>	<b>\$250,000</b>	<b>\$574,900</b>

- Incremental income from Option 2 is \$348,150



**Attachment B  
(Showing Proposed Changes)**

**HALIFAX REGIONAL MUNICIPALITY**

**BY-LAW NUMBER B-400**

Respecting Burglary, Robbery and Fire Alarm Systems

**SHORT TITLE**

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

**DEFINITIONS INTERPRETATION**

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 heat, smoke or fire or an unauthorized entry into a building, structure or facility or for alerting others of the commission of an unlawful act, or both, and which emits a sound or transmits a signal or message when activated, but does not include
    - (i) personal alerting devices
    - (ii) a device that is installed in a vehicle
  - (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 by the Halifax Regional Police or the Royal Canadian Mounted Police or the Halifax Regional Fire and Emergency Service 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 activation or intrusion or the commission of an unlawful act is received by a third party;
  - (g) “Municipality” - means the Halifax Regional Municipality;

- (h) ‘Owner’- 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 Municipality as the assessed owner.~~ as it refers to the owner of property:
- (i) a part owner, joint owner, tenant in common or joint tenant of the whole or any part of land or a building,
  - (ii) in the case of the absence or incapacity of the person having title to the land or building, a trustee, an executor, a guardian, an agent, a mortgagee in possession or a person having the care or control of the land or building,
  - (iii) in the absence of proof to the contrary, the person assessed for the property;
- (i) ~~“Permittee” – means the holder of an alarm system permit;~~ Repealed
- (j) ~~“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.~~ Repealed
- (k) “Treasurer” - means the Treasurer of the Halifax Regional Municipality or his designate.

### PERMIT REQUIRED

3. (1) No owner shall install, keep, use, permit or suffer the installation, keeping or use of an alarm system unless there is a valid and subsisting alarm system permit for that system.
- (2) An applicant for an alarm system permit shall apply to the Treasurer on a form as ~~described in Schedule “A” attached hereto~~ prescribed by the Treasurer and shall pay the prescribed fee as set out in Administrative Order 15.
- (3) Alarm system permits shall be issued by the Treasurer.
- (4) An alarm system permit shall be issued in the name of the owner of the building or property which the alarm is intended to protect.
- (5) An alarm system permit is required for each alarm system that is installed in any one location.
- (6) An alarm system permit may be transferred or assigned to a new owner of the property on submission to the Treasurer of a fully completed permit application form as ~~described in Schedule “A”~~ prescribed by the Treasurer.
- (7) The owner shall be responsible for informing the Treasurer or his designate of any and

all changes in the information contained in the permit application.

#### **AUDIBLE ALARM SYSTEMS**

4. (1) Except for an alarm system designed or used to detect heat, smoke or fire, 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.

#### **FALSE ALARMS**

5. (1) An owner shall not cause, permit, suffer or allow more than one (1) false alarm to emanate from a location during any consecutive twelve month period.
- (2) Alarms activated in the following manner are hereby deemed **not** to be false alarms;
- (a) any alarm which the owner can demonstrate was caused by the action of some other person other than:
    - (i) the owner or the owner officers, agents, employees, independent contractors or any other person subject to the direct or indirect control of the owner,
    - (ii) the person who installed, connected, operated maintained or serviced the alarm system, or
    - (iii) the manufacturer of the alarm system, including the manufacturer's officers, agents, employees, independent contractors or any person subject to the direct or indirect control of the manufacturer;
  - (b) Where the owner can demonstrate that the alarm was caused by a storm, lighting, earthquake or other violent act of nature; and
  - (c) Where the Alarm Coordinator is satisfied that the occurrence is isolated and due to a mechanical or electrical failure that has since been corrected by a qualified contractor or installer, proof of which has been provided.
- (3) Claims by an owner that an alarm is not a false alarm pursuant to subsection (2) must provide the Alarm Coordinator with proof no later than sixty (60) days after the date of notification.

#### **NOTIFICATION TO OWNERS**

6. (1) Upon the first occurrence of a false alarm, a notice will be provided to the owner of the subject real property that a false alarm has occurred and the fees to be imposed for any subsequent false alarms.

- (2) (a) The notice required by this section shall be in writing ~~and delivered by hand or regular mail to the subject property or~~ and may be served personally, by mailing it to the person at the latest address ~~set out in the tax~~ shown on the assessment roll, by electronic mail or by facsimile ~~for the owner~~.
- (b) A notice sent in accordance with this section ~~shall be~~ is deemed to have been ~~received~~ served on the third day after it was sent.

### FEE FOR FALSE ALARMS

7. (1) On the occurrence of a second and each subsequent false alarm during any consecutive twelve month period, there shall be a fee charged for each such occurrence as follows:
  - (a) For a second false alarm a fee of ~~\$100.00~~ 200.00;
  - (b) For a third false alarm a fee of ~~\$125.00~~ 300.00; and
  - (c) For a fourth or subsequent false alarm a fee of ~~\$150.00~~ 500.00.
- (2) Where a fee is charged in accordance with this By-law, the Municipality shall invoice the owner of the real property.
- (3) An invoice issued under this By-law shall be due upon receipt and payable to the Municipality.
- (4) ~~Interest shall accrue on~~ Any fees remaining unpaid and outstanding for more than 30 days ~~along with any outstanding interest~~ at a rate as set from time to time by Council ~~may be added to and form part of the taxes payable on the real property as taxes in arrears pursuant to section 78 of the Halifax Regional Municipality Act.~~
- (5) All fees collected become the property of the Municipality.

### AUTOMATIC CALLING DEVICES

8. (1) No person shall use, maintain or install, or permit the use, maintenance or installation of any automatic calling device which is programmed to transmit a message to any telephone number assigned to the Halifax Regional Police, the Royal Canadian Mounted Police or any dispatch or communication centre responsible for the receiving and dispatching of alarm calls to these agencies.

### MONITORED ALARM SYSTEMS

9. (1) When a third party is responsible for monitoring an alarm system for intrusions only, that third party shall verify that the alarm activation is not accidental by contacting the

premise where the alarm is installed prior to notifying the appropriate police agency. If a police agency is dispatched prior to verification, there will be no waiver of fee if the call is cancelled subsequent to police being dispatched.

- (2) Where the original alarm activation signal is received by a third party who then notifies the Halifax Regional Police or the Royal Canadian Mounted Police or any dispatch or communication center responsible for the receiving and dispatching of alarm calls of the alarm, the third party shall supply the alarm permit number to the police dispatcher receiving the call.

## **PENALTY**

10. (1) A person who contravenes any provision of this By-law shall upon summary conviction be liable to a minimum penalty of \$100.00 and a maximum penalty of \$510,000.00, and in **willful** default of payment, ~~of the penalty the offender may be imprisoned for a maximum period not exceeding ninety days~~ **to imprisonment for a term of not more than two months.**
- (2) Every day during which a contravention of or failure to comply with the by-law continues is a separate offence.
- (3) A party alleged to have violated this By-law and given notice of the alleged violation, may pay a penalty in the amount of \$100.00 to the Treasurer at the place of payment specified on the notice; provided that said payment is made within a period of fourteen (14) days following the date of the notice, and such payment shall be in full satisfaction, releasing and discharging all penalties and imprisonment incurred by the party for said violation, but does not extinguish any debts arising pursuant to section 7 of the By-law.

## **REPEAL OF BYLAWS AND ORDINANCES**

11. The City of Halifax Ordinance No. 185, "Alarms Ordinance"; and Town of Bedford By-law 22103, "Alarm Systems By-law" as amended are hereby repealed.

## **APPLICATION**

12. This By-law applies to all alarms in use within the Municipality whether installed before or after the coming into force of this By-law.

Done and passed by Council this 9<sup>th</sup> day of March, A.D., 1999.

SIGNED

\_\_\_\_\_  
Mayor

SIGNED

\_\_\_\_\_  
Municipal Clerk

I, Vi Carmichael, Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above- noted by-law was passed at a meeting of the Halifax Regional Council held on March 9, 1999.

SIGNED

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Vi Carmichael, Municipal Clerk

**BY-LAW B-400**

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Notice of Motion:	February 9, 1999
First Reading:	February 23, 1999
ANotice of Intent@ Publication:	February 26, 1999
Second Reading:	March 9, 1999
Third Reading:	March 9, 1999
Approval of Minister of Housing & Municipal Affairs:	N/A
Effective Date:	April 10, 1999

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**Amendment No. 1 (By-Law B-401)****Subsection (1) of Section 7**

Notice of Motion:	March 30, 1999
First Reading:	April 13, 1999
ANotice of Intent@ Publication:	April 17, 1999
Second Reading:	May 4, 1999
Approval of Minister of Housing & Municipal Affairs:	N/A
Effective Date:	May 8, 1999

**Attachment C  
(Amending By-law)**

**HALIFAX REGIONAL MUNICIPALITY  
BY-LAW B-402  
RESPECTING THE AMENDMENT OF BY-LAW B-400  
RESPECTING BURGLARY, ROBBERY  
AND FIRE ALARM SYSTEMS**

**BE IT ENACTED** by the Council of Halifax Regional Municipality that By-law B-400, *Respecting Burglary, Robbery and Fire Alarm Systems*, is amended as follows:

1. Section 2 is amended by:

- (a) striking out the word “Definitions” in the title line of section 2;
- (b) adding the word “Interpretation” in the title line of section 2;
- (c) striking out the words and punctuation “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 Municipality as the assessed owner.” after the word “includes” in clause (h);
- (d) adding the following words and subclauses after the word “includes” in clause (h):

as it refers to the owner of property:

(i) a part owner, joint owner, tenant in common or joint tenant of the whole or any part of land or a building,

(ii) in the case of the absence or incapacity of the person having title to the land or building, a trustee, an executor, a guardian, an agent, a mortgagee in possession or a person having the care or control of the land or building,

(iii) in the absence of proof to the contrary, the person assessed for the property;

- (e) repealing the definition for “Permittee” in clause (i); and
- (f) repealing the definition for “Personal Alerting Device” in clause (j).

2. Section 3 is amended by:

- (a) striking out the words “”described in Schedule “A” attached hereto” after the word “as” and before the word “and” in subsection (2);
- (b) adding the words “prescribed by the Treasurer” after the word “as” and before the word “and” in subsection (2);
- (c) adding the words “as set out in Administrative Order 15” after the word “fee” and before the period punctuation mark at the end of subsection (2);
- (d) striking out the words “described in Schedule “A” after the word “as” and before the period punctuation mark at the end of subsection (6); and
- (e) adding the words “prescribed by the Treasurer” after the word “as” and before the period punctuation mark at the end of subsection (6).

3. Section 5 is amended by adding the following subsection immediately after clause (2)(c) and before section 6:



- (3) Claims by an owner that an alarm is not a false alarm pursuant to subsection (2) must provide the Alarm Coordinator with proof no later than sixty (60) days after the date of notification.

4. Subsection 6 (2) is amended by:

- (a) adding the new clause (a) before the words "The notice";
- (b) striking out the words "and delivered by hand or regular mail to the subject property or" after the word "writing" and before the word "the" in the newly labeled clause (a);
- (c) adding the words "and may be served personally, by mailing it to the person at" after the word "writing" and before the word "the" in the newly labeled clause (a);
- (d) adding the word "latest" after the word "the" and before the word "address" in the newly labeled clause (a);
- (e) striking out the words "set out in the tax" after the word "address" and before the word "roll" in the newly labeled clause (a);
- (f) adding the words "shown in the assessment" after the word "address" and before the word "roll" in the newly labeled clause (a);
- (g) striking out the words "for the owner" after the word "roll" and before the period in the newly labeled clause (a);
- (h) adding the words "by electronic mail or by facsimile" after the word "roll" and before the period in the newly labeled clause (a);
- (i) lettering the new clause (b) after the period in clause (a) and before the words "A notice";
- (j) striking out the words "shall be" after the word "section" and before the word "deemed" in the newly labeled clause (b);
- (k) adding the word "is" after the word "section" and before the word "deemed" in the newly labeled clause (b);
- (l) striking out the word "received" after the word "been" and before the period punctuation mark; and
- (m) adding the words "served on the third day after it was sent" after the word "been" and before the period punctuation mark.

5. Section 7 is amended by:

- (a) striking out the number "100.00" after the word and symbol "of \$" and before the semi-colon at the end of clause 7(1)(a);
- (b) adding the number "200.00" after the word and symbol "of \$" and before the semi-colon at the end of clause 7(1)(a);
- (c) striking out the number "125.00" after the word and symbol "of \$" and before the semi-colon in clause 7(1)(b);
- (d) adding the number "300.00" after the word and symbol "of \$" and before the semi-colon in clause 7(1)(b);
- (e) striking out the number "150.00" after the word and symbol "of \$" and before the semi-colon in clause 7(1)(c);
- (f) adding the number "500.00" after the word and symbol "of \$" and before the semi-colon in clause 7(1)(c);
- (g) adding the words "Interest shall accrue on" before the word "Any" in subsection (4);
- (h) striking out the upper case "A" and inserting a lowercase "a" in the word "any" after the word "on" and before the word "fees" in subsection (4);
- (i) striking out the words "along with any outstanding interest" after the word "days" and before the word "at" in subsection (4); and

(j) striking out the words “may be added to and form part of the taxes payable on the real property as taxes in arrears pursuant to section 78 of the Halifax Regional Municipality Act” after the word “Council” and before the period punctuation mark in subsection (4).

6. Subsection 10(1) is amended by:

- (a) striking out the number “5” after the dollar sign symbol “\$” and before the comma;
- (b) adding the number “10” after the dollar sign symbol “\$” and before the comma;
- (c) striking out the word “willful” after the word “in” and before the word “default”;
- (d) adding a comma after the word “payment” and before the word “of”;
- (e) striking out the words “of the penalty the offender may be imprisoned for a maximum period not exceeding ninety days” after the word and punctuation “payment,” and before the period punctuation mark; and
- (f) adding the words “to imprisonment for a term of not more than two months” after the word and punctuation “payment,” and before the period punctuation mark.

7. The By-law shall take effect on August 1, 2017.

Done and passed by Council this \_\_\_ day of \_\_\_\_\_, 2017

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
MUNICIPAL CLERK

I, Kevin Arjoon, Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above noted by-law was passed at a meeting of the Halifax Regional Council held on \_\_\_\_\_, 2017

\_\_\_\_\_  
Kevin Arjoon  
Municipal Clerk

**Attachment D  
(Incorporating Proposed Changes)**

**HALIFAX REGIONAL MUNICIPALITY**

**BY-LAW NUMBER B-400**

Respecting Burglary, Robbery and Fire Alarm Systems

**SHORT TITLE**

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

**INTERPRETATION**

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 heat, smoke or fire or an unauthorized entry into a building, structure or facility or for alerting others of the commission of an unlawful act, or both, and which emits a sound or transmits a signal or message when activated, but does not include
    - (i) personal alerting devices
    - (ii) a device that is installed in a vehicle
  - (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 by the Halifax Regional Police or the Royal Canadian Mounted Police or the Halifax Regional Fire and Emergency Service 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 activation or intrusion or the commission of an unlawful act is received by a third party;
  - (g) “Municipality” - means the Halifax Regional Municipality;

- (h) 'Owner"- includes as it refers to the owner of property:
  - (i) a part owner, joint owner, tenant in common or joint tenant of the whole or any part of land or a building,
  - (ii) in the case of the absence or incapacity of the person having title to the land or building, a trustee, an executor, a guardian, an agent, a mortgagee in possession or a person having the care or control of the land or building,
  - (iii) in the absence of proof to the contrary, the person assessed for the property;
- (i) Repealed
- (j) Repealed
- (k) "Treasurer" - means the Treasurer of the Halifax Regional Municipality or his designate.

### **PERMIT REQUIRED**

- 3. (1) No owner shall install, keep, use, permit or suffer the installation, keeping or use of an alarm system unless there is a valid and subsisting alarm system permit for that system.
- (2) An applicant for an alarm system permit shall apply to the Treasurer on a form as prescribed by the Treasurer and shall pay the prescribed fee as set out in Administrative Order 15.
- (3) Alarm system permits shall be issued by the Treasurer.
- (4) An alarm system permit shall be issued in the name of the owner of the building or property which the alarm is intended to protect.
- (5) An alarm system permit is required for each alarm system that is installed in any one location.
- (6) An alarm system permit may be transferred or assigned to a new owner of the property on submission to the Treasurer of a fully completed permit application form as prescribed by the Treasurer.
- (7) The owner shall be responsible for informing the Treasurer or his designate of any and all changes in the information contained in the permit application.

### **AUDIBLE ALARM SYSTEMS**

- 4. (1) Except for an alarm system designed or used to detect heat, smoke or fire, 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.

## **FALSE ALARMS**

5. (1) An owner shall not cause, permit, suffer or allow more than one (1) false alarm to emanate from a location during any consecutive twelve month period.
- (2) Alarms activated in the following manner are hereby deemed **not** to be false alarms;
  - (a) any alarm which the owner can demonstrate was caused by the action of some other person other than:
    - (i) the owner or the owner officers, agents, employees, independent contractors or any other person subject to the direct or indirect control of the owner,
    - (ii) the person who installed, connected, operated maintained or serviced the alarm system, or
    - (iii) the manufacturer of the alarm system, including the manufacturer's officers, agents, employees, independent contractors or any person subject to the direct or indirect control of the manufacturer;
  - (b) Where the owner can demonstrate that the alarm was caused by a storm, lighting, earthquake or other violent act of nature; and
  - (c) Where the Alarm Coordinator is satisfied that the occurrence is isolated and due to a mechanical or electrical failure that has since been corrected by a qualified contractor or installer, proof of which has been provided.
- (3) Claims by an owner that an alarm is not a false alarm pursuant to subsection (2) must provide the Alarm Coordinator with proof no later than sixty (60) days after the date of notification.

## **NOTIFICATION TO OWNERS**

6. (1) Upon the first occurrence of a false alarm, a notice will be provided to the owner of the subject real property that a false alarm has occurred and the fees to be imposed for any subsequent false alarms.
- (2)
  - (a) The notice required by this section shall be in writing and may be served personally, by mailing it to the person at the latest address shown on the assessment roll, by electronic mail or by facsimile.
  - (b) A notice sent in accordance with this section is deemed to have been served on the

third day after it was sent.

### **FEE FOR FALSE ALARMS**

7. (1) On the occurrence of a second and each subsequent false alarm during any consecutive twelve month period, there shall be a fee charged for each such occurrence as follows:
  - (a) For a second false alarm a fee of \$200.00;
  - (b) For a third false alarm a fee of \$300.00; and
  - (c) For a fourth or subsequent false alarm a fee of \$500.00.
- (2) Where a fee is charged in accordance with this By-law, the Municipality shall invoice the owner of the real property.
- (3) An invoice issued under this By-law shall be due upon receipt and payable to the Municipality.
- (4) Interest shall accrue on any fees remaining unpaid and outstanding for more than 30 days at a rate as set from time to time by Council.
- (5) All fees collected become the property of the Municipality.

### **AUTOMATIC CALLING DEVICES**

8. (1) No person shall use, maintain or install, or permit the use, maintenance or installation of any automatic calling device which is programmed to transmit a message to any telephone number assigned to the Halifax Regional Police, the Royal Canadian Mounted Police or any dispatch or communication centre responsible for the receiving and dispatching of alarm calls to these agencies.

### **MONITORED ALARM SYSTEMS**

9. (1) When a third party is responsible for monitoring an alarm system for intrusions only, that third party shall verify that the alarm activation is not accidental by contacting the premise where the alarm is installed prior to notifying the appropriate police agency. If a police agency is dispatched prior to verification, there will be no waiver of fee if the call is cancelled subsequent to police being dispatched.
- (2) Where the original alarm activation signal is received by a third party who then notifies the Halifax Regional Police or the Royal Canadian Mounted Police or any dispatch or communication center responsible for the receiving and dispatching of alarm calls of the alarm, the third party shall supply the alarm permit number to the police dispatcher receiving the call.

**PENALTY**

- 10. (1) A person who contravenes any provision of this By-law shall upon summary conviction be liable to a minimum penalty of \$100.00 and a maximum penalty of \$10,000.00, and in default of payment, to imprisonment for a term of not more than two months.
- (2) Every day during which a contravention of or failure to comply with the by-law continues is a separate offence.
- (3) A party alleged to have violated this By-law and given notice of the alleged violation, may pay a penalty in the amount of \$100.00 to the Treasurer at the place of payment specified on the notice; provided that said payment is made within a period of fourteen (14) days following the date of the notice, and such payment shall be in full satisfaction, releasing and discharging all penalties and imprisonment incurred by the party for said violation, but does not extinguish any debts arising pursuant to section 7 of the By-law.

**REPEAL OF BYLAWS AND ORDINANCES**

- 11. The City of Halifax Ordinance No. 185, "Alarms Ordinance"; and Town of Bedford By-law 22103, "Alarm Systems By-law" as amended are hereby repealed.

**APPLICATION**

- 12. This By-law applies to all alarms in use within the Municipality whether installed before or after the coming into force of this By-law.

Done and passed by Council this 9<sup>th</sup> day of March, A.D., 1999.

SIGNED  
\_\_\_\_\_  
Mayor

SIGNED  
\_\_\_\_\_  
Municipal Clerk

I, Vi Carmichael, Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above- noted by-law was passed at a meeting of the Halifax Regional Council held on March 9, 1999.

SIGNED  
\_\_\_\_\_  
Vi Carmichael, Municipal Clerk

## **BY-LAW B-400**

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Notice of Motion:	February 9, 1999
First Reading:	February 23, 1999
ANotice of Intent@ Publication:	February 26, 1999
Second Reading:	March 9, 1999
Third Reading:	March 9, 1999
Approval of Minister of Housing & Municipal Affairs:	N/A
Effective Date:	April 10, 1999

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### Amendment No. 1 (By-Law B-401)

#### Subsection (1) of Section 7

Notice of Motion:	March 30, 1999
First Reading:	April 13, 1999
ANotice of Intent@ Publication:	April 17, 1999
Second Reading:	May 4, 1999
Approval of Minister of Housing & Municipal Affairs:	N/A
Effective Date:	May 8, 1999



**Attachment E  
(Amending Administrative Order)**

**HALIFAX REGIONAL MUNICIPALITY  
ADMINISTRATIVE ORDER 15  
RESPECTING LICENSE, PERMIT AND PROCESSING FEES**

**BE IT ENACTED** by the Council of Halifax Regional Municipality that Administrative Order 15, the *Respecting License, Permit and Processing Fees* Administrative Order is amended as follows:

1. By adding the following section number and table immediately following the table in Section 23:

**24.**

<b>By-law #</b>	<b>Short Title</b>	<b>Section</b>	<b>Details</b>	<b>Fee</b>
B-400	<i>Alarm By-law</i>	3(2)	Alarm System Permit Fee	\$0.00