



**Town of Barkmere  
BY-LAW 278**

**BY-LAW 278  
RELATING TO UNFOUNDED ALARMS THAT HAVE GENERATED A DISPLACEMENT FOR THE  
FIRE DEPARTMENT**

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- WHEREAS the** Town of Barkmere has adopted *By-law 270 (relating to alarm systems)*, which provides, among other things, that an unfounded alarm triggering the Sûreté du Québec to move constitutes an offence beyond the first activation of the system during a consecutive period of 12 months;
- CONSIDERING THAT** the Town Council considers it important to also remedy the problems caused by the triggering of unfounded alarms that lead to the relocation of the Town's Fire Department Services;
- WHEREAS** the municipal council may adopt security by-laws under the *Municipal Powers Act (CQLR c. C-47.1)*;
- CONSIDERING THAT** a mode of tariffing may be imposed in the field of public safety when the service is actually used by the debtor under the *Regulation respecting the conditions or restrictions applicable to the exercise of municipal tariffing powers*;
- WHEREAS** a notice of motion was given at the sitting of ----;
- CONSIDERING** that a draft regulation was tabled at the sitting of the ---, a copy of the draft regulation also being made available to the public at that sitting;
- WHEREAS the** mayor mentions that the purpose of this by-law is to regulate unfounded alarms on the territory of the Town of Barkmere that generate a displacement of the Service de sécurité incendie de la Ville Mont-Tremblant;

**FOR THESE REASONS, THE COMMISSION ORDERS THAT:**

**1. SCOPE AND DEFINITIONS**

**1.1. Scope**

The provisions of this by-law are complementary to *By-law 270 on alarm systems*.

The preamble shall form an integral part of this By-law.

**1.2. Definitions**

For the purposes of this BY-law, unless the context indicates otherwise, the following terms and expressions mean:

"*Unfounded alarm*": the triggering of an alarm caused by a defect, malfunction or misuse, or due to atmospheric conditions, excessive vibration, power failures or negligence, in the absence of evidence of commission or attempted offence, break-in, smoke or fire found on the protected site and which causes the relocation of the Fire Department of the City of Mont-Tremblant.

"*Protected Place*": means any land or structure located in the territory of the Town of Barkmere that is protected by an alarm system.



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"Officer" means: any natural person designated by the Town, any employee of a legal person or a safety agency under contract with the Town or any member of the Fire Department responsible for the application of all or part of this by-law.

"Alarm System": any device intended to detect automatically or to be activated manually in order to prevent intrusions or attempted intrusions, or to prevent the presence of smoke or fire, whether or not connected to a central alarm centre.

"User": means any natural or legal person who owns or occupies a protected place.

**1.3. Application**

This By-law applies to any alarm system, including alarm systems already installed or in use on the day of coming into force hereof.

**1.4. Accountability**

For the purposes of this By-law, the owner of a protected place is liable for the offences of the user, the persons occupying the protected place or to whom he allows access to it.

**2. PRICING**

**2.1. Service Request**

The triggering of an alarm system is deemed to be a service request from the Town to verify the condition of the protected premises.

**2.2. Compensation**

Compensation in the amount of \$400.00 is required for the service rendered by the Town's Fire Department for the activation of an unfounded alarm beyond the first activation of the system during a consecutive period of 12 months.

The compensation referred to in this section is payable by the owner of the immovable by reason of which it is due and is then considered to be a property tax imposed on the unit of assessment comprising it and bears interest at the rate fixed for property taxes and unpaid municipal debts.

The compensation becomes due and payable at the time the service is rendered.

**2.3. Invoicing**

The Town's Fire Department sends the Finance Department the information necessary to issue invoices.

**3. ALARM SIGNAL**

**3.1. Presumption of unfounded alarm**

In the absence of evidence to the contrary, there is a presumption of an unfounded alarm following the activation of an alarm caused by a defect, malfunction or misuse, or due to atmospheric conditions, excessive vibration, power failures or negligence, in the absence of evidence of commission, attempted offence, break-in, smoke or fire, noted by the officer on the protected place.

**4. PENAL PROVISIONS**



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**4.1. Infraction**

Any unfounded alarm triggering beyond the first activation of the system within a consecutive period of 12 months constitutes an offence and renders the user liable to the fines provided for in this By-law.

**4.2. Contravention**

Any contravention of these Regulations constitutes an offence and is prohibited.

**4.3. Fine**

Every natural person who contravenes any of the provisions of this By-law is guilty of an offence and is liable to a minimum fine of \$200 and not more than \$1,000 for a first offence and to a minimum fine of **\$400** and a maximum fine of **\$2,000** for any subsequent offence.

Every legal person that contravenes any of the provisions of this By-law is guilty of an offence and is liable to a minimum fine of \$400 and a maximum fine of \$2,000 for a first offence and a minimum fine of **\$800** and a maximum fine of **\$4,000** for any subsequent offence.

In all cases, prosecution costs are extra.

The time limits for the payment of fines and costs imposed under this section and the consequences of failure to pay such fines and costs within the prescribed time are established in accordance with the *Code of Penal Procedure of Québec* (CQLR, c. C-25.1).

If an offence lasts for more than one day, the offence committed on each day constitutes a separate offence and the penalties for each offence may be imposed for each day during which the offence continues.

**4.4. Authorization**

Any officer shall be authorised to institute criminal proceedings against any person who contravenes any provision of this By-law and, consequently, to issue statements of offence appropriate for that purpose.

**4.5. Choice of remedies**

For the purpose of enforcing the provisions of this by-law, the Town may exercise, cumulatively or alternatively, all appropriate remedies of a civil or penal nature, without limitation.

**5. FINAL PROVISIONS**

**5.1. Entry into force**

These Regulations shall enter into force in accordance with the law.

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Luc Trépanier  
Mayor

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Martin Paul Gélinas  
Secretary-Treasurer

<b>Notice of Motion</b>	<b>1</b>
<b>Tabling of draft regulations<sup>1</sup></b>	
<b>Adoption</b>	<b>1</b>
<b>Entry into force</b>	<b>1</b>