

THE CORPORATION OF THE TOWNSHIP OF KILLALOE, HAGARTY AND RICHARDS

BY-LAW NO. 39-2009

Being a By-Law to reduce the number of false alarms;

WHEREAS, pursuant to the Police Services Act, R.S.O. 1990, c. P. 15, police services are provided within the Township by the Ontario Provincial Police, subject to payment by the Township of O.P.P. service charges;

AND WHEREAS, fire fighting services are provided within the Township at its expense;

AND WHEREAS, the Township has determined that users of Security Alarm Systems and Fire Alarm Systems have been permitting a significant number of False Alarms to occur annually;

AND WHEREAS, these False Alarms result in unnecessary emergency response, which wastefully consume police and fire fighting resources and municipal funds, and may cause delay of emergency responses to genuine emergency situations and pose a threat to public safety;

AND WHEREAS, pursuant to section 130 of the Municipal Act, R.S.O. 2001 c.25, the Township may, as regards certain service matters, pass such By-Laws and make such regulations for the safety and welfare of Township inhabitants as may be deemed expedient;

AND WHEREAS, pursuant to section 391.1(a) of the Municipal Act R.S.O 2001 c.25, the Township may pass By-Laws imposing fees or charges on any class of persons for services or activities provided or done by or on behalf of the Township;

NOW THEREFORE, the Corporation of the Township of Killaloe, Hagarty and Richards hereby enacts as follows:

1.0 DEFINITIONS:

In this By-Law:

- a) "Alarm Incident" shall mean any activation of an alarm system by any cause.
- b) "Alarm System" shall mean any mechanical or electrical device or system of such devices installed in respect of subject premises, which device or system, when activated, emits within the subject premises or transmits to a monitoring company or any other person, a sound, signal or message in order to warn of:
 - i) Any unauthorized entry into, damage to or criminal activity at the subject premises ("security alarm systems") or,
 - ii) Fire or smoke at the subject premises ("fire alarm system") but does not include any such device or system installed in or on any premises occupied by the Township.
- c) "By-Law Enforcement Officer" shall mean the By-Law Enforcement Officer for the Township as appointed by Council from time to time.
- d) "Council" shall mean the Council for the Township of Killaloe, Hagarty and Richards.
- e) "False Alarm" shall mean any alarm incident that is not a valid alarm and shall include, without limitation, an alarm incident caused by:
 - i. Any testing of the alarm system,
 - ii. Any mechanical failure, malfunction or faulty equipment,
 - iii. Any user error on the part of any responsible party, a monitoring company or any other person or,
 - iv. Any atmospheric conditions or electrical power disruptions.

- f) "Monitoring Company" shall mean any person engaged in the business of monitoring alarm systems installed in respect of subject premises.
- g) "O.P.P." shall mean Ontario Provincial Police.
- h) "Person" shall mean an individual, sole proprietorship, partnership unincorporated association, unincorporated syndicate, unincorporated organization, trust, body corporate and a natural person in his or her capacity as a trustee, executor, administrator or other legal representative.
- i) "Response Authority" shall mean the O.P.P. or the Township Fire Department depending on whether an alarm incident relates to security or fire, respectively.
- j) "Response" shall mean, for the purposes of this by-law, the Township Fire Department shall be deemed to have responded to a call for assistance, emergency services or a fire or emergency service related incident where any or more vehicles, equipment or personnel of the Township Fire Department are dispatched or otherwise respond to that call or incident.
- k) "Responsible Party" shall mean any or all of the owner or owners of and the person or persons occupying the subject premises.
- l) "Subject Premises" shall mean any property in respect of which an alarm system is installed.
- m) "Township" shall mean the Corporation of the Township of Killaloe, Hagarty and Richards.
- n) "Valid Alarm" shall mean an alarm incident caused by actual or attempted unauthorized entry into or upon or damage to or criminal activity at the subject premises or by fire or smoke at the subject premises.

2.0 FALSE ALARM REDUCTION:

- 2.1 A responsible party shall ensure at all times that its alarm system is kept in good working order and condition and that any users of the subject premises are kept fully familiar with the operation of the alarm system so as to prevent user error.
- 2.2 If a response is made to a false alarm, the Township may take the following action:
 - a. After a first such response at the same subject premises in any twelve month period, a written caution and a copy of this by-law shall be mailed to any responsible party at the subject premises,
 - b. After a second such response at the same subject premises in the same twelve month period as indicated in 2.2(a), a fine may be imposed as per Schedule "B" to this by-law.
- 2.3 The Township may take any action described in Section 2.2 of this By-Law, regardless of whether the Township has taken any previous action as regards any one or more responses to false alarm(s) at the same subject premises.
- 2.4 Any and all fees or charges imposed pursuant to this By-Law and remaining unpaid within thirty (30) days of the levy may be added to the tax roll for any real property, all of the owners of which are responsible for paying such fees and charges, and may be collected in like manner as Municipal taxes.

3.0 ENFORCEMENT:

- 3.1 The By-Law Enforcement Officer shall have the duty of enforcing the provisions of this By-Law.

4.0 OFFENCES AND PENALTIES:

- 4.1 Any person who contravenes any section of this by-law is guilty of an offence and upon conviction, is liable to a fine as provided for in the Provincial Offences Act.

- 4.2 Any fine imposed or offence created under this by-law is subject to the provisions of Part I of the Provincial Offences Act, R.S.O., 1990 c. P33, as amended.

4.0 GENERAL:

- 3.1 If during the twelve month period as indicated in 2.2(a) of this by-law, the "Responsible Party" changes in relation to the "Subject Premises", any previous "False Alarms" will not be used to calculate any fees or charges.
- 3.2 If any provision of this By-Law, or the application thereof of such provision to any other person or in any extent is held to be invalid or unenforceable, the application of such provision to any other person or in any other circumstance, and the remainder of this By-Law shall not be affected by the invalidity or unenforceability, and each provision of this By-Law shall be separately valid and enforceable to the fullest extent permitted by law.

This By-Law shall come into force and take effect on the final passing thereof.

READ A FIRST AND SECOND TIME THIS 15th DAY OF DECEMBER, 2009.

READ A THIRD TIME AND PASSED THIS 15th DAY OF DECEMBER, 2009.

Mayor

CAO/Clerk-Treasurer

The Corporation of the Township of Killaloe, Hagarty and Richards

Part 1, Provincial Offences Act

**By-Law #39-2009
False Fire Alarm By-Law**

ITEMS	COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provisions or Defining Offence	COLUMN 3 SET FINE
1.	Failure to Maintain Alarm System in Good Working Order and Condition	Section 2.1	\$ 100.00
2.	User Error Resulting in False Alarm	Section 2.1	\$ 100.00

NOTE: penalty provision for the offence indicated above is Section 4.1 of By-Law #39-2009, a certified copy of which has been filed, and Section 61 of the Provincial Offences Act, R.S.O. 1990, c.P.33.