

CORPORATION OF NORTH ALGONA WILBERFORCE TOWNSHIP

BY-LAW 2019-37

WHEREAS, Section 11 (2) of the Municipal Act 2001, Chapter 25, as amended, provides that a municipality may pass by-laws respecting the health, safety and well-being of persons;

AND WHEREAS Section 391 of the Municipal Act, 2001, Chapter 25, as amended, authorizes a municipality and a local board to impose fees or charges on persons, or services or activities provided or done by or on behalf of it, and for costs payable by it for services or activities provided or done by or on behalf of any other municipality or any local boards;

AND WHEREAS, the Council of the Corporation of North Algona Wilberforce Township acknowledges the significant contribution that the installation of residential and commercial security and fire alarm systems provides with respect to break and enters, thefts, crimes and fire loss in our Municipality;

AND WHEREAS documentation provided to the council of North Algona Wilberforce confirms that a significant number of security and fire alarm occurrences attended by the police and fire services are false alarms;

AND WHEREAS attendance at security and fire alarms which prove false, unnecessarily diverts police and fire resources from other important and sometimes life-threatening situations and is costly;

AND WHEREAS the Council wishes to maintain policies and practices that contribute to the efficient and cost-effective use of limited resources in our community;

AND WHEREAS the onus should be placed on residential and business owners who install security and fire alarm systems to ensure that they work reliably;

NOW THEREFORE BE IT RESOLVED THAT, Council of the Corporation of North Algona Wilberforce Township enacts as follows:

1.0 DEFINITIONS

- 1.1 ALARM OCCURRENCE – shall mean the activation of an alarm and the direct or indirect reporting of the activation to the police or fire service.
- 1.2 CAO – shall mean the CAO of North Algona Wilberforce Township or his/her designate
- 1.3 FALSE ALARM – shall mean a security or fire alarm occurrence in respect of a building, structure, or premises where upon attendance there is no evidence of a fire occurrence or evidence that an unauthorized entry or unlawful act has been attempted or entered into, and includes but is not limited to:
 - I. The activation of a n alarm during its testing without prior notification;
 - II. An alarm activated by mechanical failure, malfunction or faulty equipment
 - III. An alarm activated by atmospheric conditions, vibrations or power failure
 - IV. An alarm activated by user error
- 1.4 FIRE SERVICE – shall mean the North Algona Wilberforce Township Fire Department
- 1.5 TOWNSHIP – shall mean North Algona Wilberforce Township
- 1.6 OWNER – shall mean any person or group of persons who is/are the owner(s) of the property as shown on the last revised assessment roll of the Township
- 1.7 POLICE SERVICE – shall mean the Ontario Provincial Police
- 1.8 UNREASONABLE NUMBER – shall mean in relation to false alarms more than one (1) received from a residential or business unit within a twelve (12) month period

2.0 FALSE ALARMS

- 2.1 Every owner of a building, structure or premises in which an alarm has been installed shall be responsible for maintaining such alarm in proper operating order.
- 2.2 No owner of a building, structure or premises in which an alarm has been installed shall allow such alarm to go unmaintained or improperly handled with the effect that it results in Police and Fire Services personnel being unnecessarily or falsely called upon to respond.

3.0 FEES

- 3.1 The Township hereby imposes a fee for the demand of Police and/or Fire Services which is the result of an unreasonable number of false alarms. Such fee shall be set out in Schedule "A" attached. All Fire Services fees shall be payable to the Fire Service and all Police Services fees shall be payable to the Township.
- 3.2 In the event that the owner fails to pay the required fee(s) within thirty (30) days of invoice, a penalty at the rate of 1.25% per month shall be charged for non-payment of any fees imposed pursuant to this by-law.
- 3.3 Notwithstanding any other remedy available at law, the Fire Department or Township may add the fees and any penalty thereon, imposed pursuant to this by-law onto the tax roll for the real property of the Owner responsible for paying the fee and collect them in a like manner as municipal taxes thereafter.

4.0 ADMINISTRATIVE PROCEDURE

- 4.1 All alarm occurrences received by the Police and/or Fire Service shall be recorded on an Occurrence

- 4.2 Police Service

Where a Police Service attends a premise in response to an alarm and the attendance of the Owner is requested and does not occur, with the consequence that the Police Officer(s) is/are not able to enter the premises, the Police service may deem that the alarm was a False Alarm and record it as such.

Fire Service

Where a Fire Service attends a premise in response to an alarm and the attendance of the Owner is requested and does not occur, with the consequence that the Fireman is/are not able to enter the premises, the Fire service may deem that the alarm was a False Alarm and record it as such.

- 4.3 Police Service

The Police Service shall provide monthly false security alarm occurrence reports to the CAO.

Fire Service

The Fire Chief or designate all notify the CAO of any false alarms that have occurred.

- 4.4 Upon receipt of notification of an unreasonable number of false alarms from the Police or Fire Service, the CAO or Clerk shall issue a False Alarm Caution Notice to the Owner advising a fee may be imposed for continued demand of service as a result of a false alarm. Such False Alarm Caution Notice shall be in the form attached as Schedule "A"
- 4.5 Where there is a further False Alarm within the same twelve (12) month period of the issuance of a Caution Notice, the CAO or Clerk shall issue a False Alarm Warning Notice to the Owner advising that a fee has been imposed and is payable to the Township.
- 4.6 If cancellation of an alarm occurs prior to Police or Fire Services deployment the alarm shall not be recorded as a false alarm and no notice or fees shall be assessed

5.0 NOTIFICATION

5.1 Issuance of any notice by CAO or Clerk shall be deemed satisfied if distributed as follows:

- a) By registered mail to the Owner at the mailing address shown in the last revised assessment roll of the Township, in which case the date of notice shall be deemed to be four (4) working days after the date the registered mail was issued by the Township.
- b) By personal service to the Owner, in which case the date of notice shall be deemed to be the date of personal service.

6.0 ENFORCEMENT

6.1 Any person who contravenes any provision of this by-law shall be guilty of an offence and shall be liable, upon conviction, to a penalty pursuant to the provisions of the Provincial Offences Act.

Read a first and Second Time this 3rd Day of September 2019

Read a third time and finally passed this 3rd Day of September 2019



Mayor James Brose



Clerk Marilyn Casselman

SCHEDULE A

SCHEDULE "A" TO BY-LAW 2019-37

1. For attending at the scene of a motor vehicle incident or spill, and providing firefighting and or emergency services:
Fees charges, per Fire Department apparatus (to a maximum of three (3) responding to incident:

\$500.00 for the initial hour
\$100.00 for each additional ½ hour

If the additional ½ hour is less than 10 minutes, fee will be waved.

2. For attending at the scent of a false alarmin excess of the number listed in Section 4:
Fees charges, per Fire Department apparatus (to a maximum of three (3) responding to incident:

\$500.00 for the initial hour
\$100.00 for each additional ½ hour

If the additional ½ hour is less than 10 minutes, fee will be waived.