

**CORPORATION OF NORTH ALGONA WILBERFORCE TOWNSHIP**

**BY-LAW 2020-35**

**False Alarms**

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**

- (a) **"Alarm Occurrence"** means the activation of an alarm and the direct or indirect reporting of the activation to the police or fire service.
- (b) **"Designated Bylaw Enforcement Officer"** means the By-law Enforcement Officer(s) for the Township as appointed by the Council.
- (c) **"CAO"** means the CAO of North Algona Wilberforce Township or his/her designate.
- (d) **"Council"** means the Council of North Algona Wilberforce Township
- (e) **"False Alarm"** means 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 an 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.
- (f) **"Fire Service"** means the North Algona Wilberforce Township Fire Department.
- (g) **"Township"** means the Corporation of the North Algona Wilberforce Township.
- (h) **"Owner"** means 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.
- (i) **"Police Service"** means the Ontario Provincial Police.
- (j) **"Unreasonable Number"** means 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.
- 2.3 A Single false alarm occurrence will result in the issuance of a False Alarm Caution Notice to the owner of the building and every owner of a building, structure or premises who permits two or more false alarms within the same twelve (12) month period is guilty of an offence and shall be liable to a fine for each false alarm subsequent to the issuance of the False Alarm Caution Notice

## **3.0 PENALTIES**

- 3.1 Any person who contravenes any provision of this by-law is guilty of an offence and may be subject to such fees or charges 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.
- 3.2 All Fees and charges payable under this by-law are due and owing to the Township within thirty (30) days of an invoice rendered to the person liable to pay them.
- 3.3 All overdue accounts shall accrue interest at the rate of 1.25% per month (15% per annum), calculated monthly, from the due date until paid in full.
- 3.4 All fees and charges payable under this by-law constitutes a debt of the person liable for payment of them to the Township and, in the case of owners of a property being responsible for payment of fees and charges, the Township may add the amount owing to the tax roll for the owner(s) real property and collect them in a like manner as municipal taxes.

## **4.0 ADMINISTRATIVE PROCEDURE**

- 4.1 All alarm occurrences received by the Police and/or Fire Service shall be recorded on an Occurrence Tracker
- 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 or Designated Bylaw Officer.  
**Fire Service** -The Fire Chief or designate notify the CAO or the Designated Bylaw Officer 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 Designated Bylaw Officer 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.
- 4.5 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**

Issuance of any notice or ticket by the Designated Bylaw Officer shall be deemed satisfied if distributed as follows:

- (a) By personal service to the Owner, in which case the date of notice or ticket shall be deemed to be the date of personal service.
- (b) 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 or ticket shall be deemed to be four (4) working days after the date the registered mail was issued by the Township.

**6.0 PENALTY PROVISIONS**

Any person who contravenes or causes or permits the contravention of any provision of this by-law is guilty of an offence and upon conviction is liable to a fine, pursuant to the provisions of the Provincial Offences Act, R.S.O 1990, c.P.33, as amended as laid out in Schedule "A" to this by-law.

**7.0** That By-law 2020-22 shall be rescinded in its entirety.

Read a First and Second Time this 03<sup>rd</sup> Day of March 2020

Read a Third Time and Finally Passed this 03<sup>rd</sup> Day of March 2020



Mayor James Brose



Acting Clerk Andrew Sprunt

**THE CORPORATION OF THE TOWNSHIP OF NORTH ALGONA WILBERFORCE**  
**Part 1 Provincial Offences Act**  
**By-Law 2020-22 False Alarm**  
Schedule "A"  
Schedule of Fines

Item	Column 1 Short Form Wording	Column 2 Provision creating or defining offence	Column 3 Set fine
1	Fail to maintain alarm	2.1	\$300
2	Fail to maintain alarm to prevent false alarms	2.2	\$300
3	Owner permit two (2) or more false alarms within same 12 month period	2.3	\$500