

THE CORPORATION OF THE CITY OF TEMISKAMING SHORES

BY-LAW NUMBER 2007-169

BEING A BY-LAW TO ESTABLISH A SYSTEM FOR THE REDUCTION OF FALSE ALARMS.

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

AND WHEREAS fire fighting services are provided within the City of Temiskaming Shores at its own expense;

AND WHEREAS the City of Temiskaming Shores 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 consume valuable police, fire fighting and municipal resources;

AND WHEREAS False Alarms may cause a delay of emergency responses to genuine emergency situations and pose a threat to public safety;

AND WHEREAS under Section 8 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, the powers of a municipality shall be interpreted broadly to enable it to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS under Section 9 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS under Section 10 (1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

NOW THEREFORE, the Corporation of the City of Temiskaming Shores hereby enacts the following as a by-law:

DEFINITIONS

1. 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 or upon or damage to or criminal activity at the subject premises ("security alarm system") 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 City.
- c. "By-Law Enforcement Officer" shall mean the By-Law Enforcement Officer for the City as appointed by Council from time to time.
- d. "Council" shall mean the Council for the City of Temiskaming Shores.
- 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 Temiskaming Shores Fire Department depending on whether an alarm incident relates to security or fire respectively.
- j. "Response" shall mean the attendance by a response authority at subject premises pursuant to the direct or indirect reporting by any means of an alarm incident by a monitoring company or by any other person to the City or response authority.
- 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. "City" shall mean the Corporation of the City of Temiskaming Shores.
- 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.

FALSE ALARM REDUCTION

- 2. 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 apprised of the operation of the alarm system.
- 3. If a response is made to a false alarm, the City may take the following action:

- a. the first false alarm response to the subject premises will have no charge but a written caution 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 calendar year, a fee or charge for the service provided by the City and response authority shall be imposed upon the responsible party in the amount of one hundred dollars (\$100.00);
 - c. after a third such response at the same subject premises, in the same calendar year, a fee or charge for the services provided by the City and response authority shall be imposed upon the responsible party in the amount of two hundred dollars (\$200.00); and
 - d. after a fourth and any subsequent response at the same subject premises, in the same calendar year, a fee or charge for the services provided by the City and response authority shall be imposed upon the responsible party in the amount of three hundred dollars (\$300.00) for each response.
4. The City may take any action described in section 3 of this by-law, regardless of whether the City has taken any previous action in regards to any one or more responses to false alarm(s) at the same subject premises.
 5. Any collection costs for fees or charges imposed pursuant to this by-law, which remain due and unpaid, may be added to the outstanding amount payable by the responsible party.
 6. Any 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 and may be collected in like manner as municipal taxes.

GENERAL

7. If any provision of this by-law, or the application thereof, is held to be invalid or unenforceable the remainder of this by-law shall not be affected by such invalidity or unenforceability and each provision of this by-law shall be separately valid and enforceable to the fullest extent permitted by law.

8. This by-law shall not be construed at any time so as to hold the City or its Officers liable for failing to ensure that persons comply with the provisions contained in the said by-law.

REPEAL OF FORMER BY-LAW

9. This by-law shall repeal By-law 2004-068, being a by-law to Impose User Fees for Monitored Automatic Fire Alarms (False) and Emergency Fire Department Response to Vehicle Fires or Vehicle Extrications.
10. This by-law shall come into force and take effect on the final passing thereof.

SHORT TITLE

11. This by-law may be cited as the "False Alarm Reduction By-Law".

READ a FIRST, SECOND and THIRD TIME and FINALLY PASSED this 18th day of December 2007.

MAYOR

CLERK