

THE CORPORATION OF TAY VALLEY TOWNSHIP

BY-LAW NO. 2011-059

FALSE ALARM BY-LAW (FALSE FIRE AND SECURITY ALARMS)

WHEREAS, Section 11 (2) of the *Municipal Act, 2001*, S.O. 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*, S.O. 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 board;

AND WHEREAS, the Council of the Corporation of Tay Valley Township acknowledges the significant contribution that the installation of residential and commercial security and fire alarm systems provides with respect to break and enters, theft, crime and fire loss in our community;

AND WHEREAS, documentation provided to the Council of Tay Valley Township 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 of Tay Valley Township 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;

AND WHEREAS, this by-law is not intended to restrict any course of action or level of response deemed appropriate;

NOW THEREFORE BE IT RESOLVED THAT, the Council of the Corporation of Tay Valley Township enacts as follows:

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1.0 DEFINITIONS

For the purpose of this By-Law:

- 1.1 “Alarm”** – shall mean an assembly of mechanical or electrical devices installed for the purpose of initiating a police and/or fire response to a situation occurring in relation to the premises in which it is installed; and includes a device that emits an audible or visual signal; or causes notification to be transmitted to a remote location; but does not include a device that is installed in a motor vehicle or recreational vehicle as those items are defined in the *Highway Traffic Act*, or a device designed to alert in the case of medical emergency.
- 1.2 “Alarm Occurrence”** – shall mean the activation of an alarm and the direct or indirect reporting of the activation to the police or fire service.
- 1.3 “Clerk”** – shall mean the Clerk of the Corporation of Tay Valley Township or his/her designate.
- 1.4 “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 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.
- 1.5 “Fire Service”** – shall mean the Drummond/North Elmsley Tay Valley Fire Rescue.
- 1.6 “Township”** – shall mean the Corporation of Tay Valley Township.
- 1.7 “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;
- 1.8 “Police Service”** – shall mean the Ontario Provincial Police, Lanark County Detachment.
- 1.9 “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.

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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 as 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.

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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 Firemen 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 Clerk.

Fire Service

The Fire Chief, or designate shall notify the Fire Service Administrative Assistant of any false fire alarms that have occurred.

4.4 Upon receipt of notification of an unreasonable number of false alarms from the Police or Fire Service, the Fire Service and/or Clerk shall issue a False Alarm Caution Notice to the Owner advising a fee may be imposed for continued demand for services as a result of a false alarm. Such False Alarm Caution Notice shall be in the form attached hereto as Schedule "B".

4.5 Where there is a further False Alarm within the same twelve (12) month period of the issuance of a Caution Notice, the Fire Service and/or Clerk shall issue a False Alarm Warning Notice to the Owner advising a fee will be imposed for continued demand for service as a result of a false alarm. Such False Alarm Warning Notice shall be in the form attached hereto as Schedule "C".

4.6 If a further False Alarm occurs within the same twelve (12) month period of the issuance of a Warning Notice, the Fire Department and/or the Clerk shall issue a Final Notice to the Owner advising a fee has been imposed and is payable to the Fire Service and/or the Township. Such False Alarm Final Notice shall be in the form attached hereto as Schedule "D".

4.7 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.

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5.0 NOTIFICATION

5.1 Issuance of any notice by the Fire Service and/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 or Fire Service; or
- 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*.

7.0 ULTRA VIRES

7.1 Should any sections of this by-law, including any section or part of any schedules attached hereto, be declared by a court of competent jurisdiction to be ultra vires, the remaining sections shall nevertheless remain valid and binding.

8.0 BY-LAWS TO BE RESCINDED

8.1 THAT, By-Law No. 2002-46 is hereby rescinded.

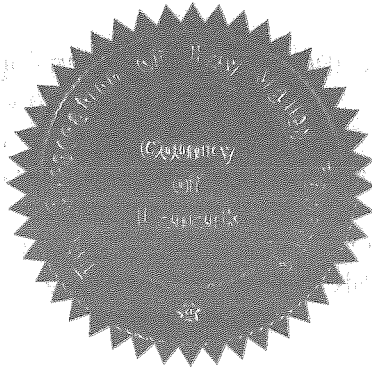
8.2 THAT, all by-laws or parts thereof and resolutions passed prior to this by-law which are in contravention of any terms of this by-law are hereby rescinded.

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9.0. EFFECTIVE DATE

ENACTED AND PASSED this 8th day of November, 2011.


Keith Kerr, Reeve




Amanda Mabo, Clerk

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SCHEDULE "A"

The following fees for service are hereby established pursuant to Section 3.1 of By-Law No. 2011-059 for each unreasonable false alarm occurrence:

Fire Service \$1,230.00 (one thousand, two hundred and thirty dollars)

Police Service \$500.00 (five hundred dollars)

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SCHEDULE "B"

FALSE ALARM CAUTION NOTICE

TO: _____ _____ _____ _____	FROM: _____ _____ _____ _____	
CALENDAR YEAR: _____	NO. OF FALSE ALARMS: _____	TYPE OF ALARM: LOCATION OF ALARM: LOT: CON: PIN & ROAD:

In the calendar year noted above, more than 1 falsealarm at the above noted location was investigated by the service. {Tay Valley Township has been notified of the false alarms occurring at this location}. See attached as provided by emergency services personnel.

Responding to false alarms imposes a considerable strain on the ability of the services to provide protective services to all residents, as well as exposing their staff and the public to unnecessary risks.

Pursuant to section 3 of By-law No. _____ the Township may impose a charge for continued, unnecessary demand for service as a result of a false alarm.

We trust that you will take the necessary corrective action.

DATE ISSUED:	ISSUED BY:	
	NAME:	POSITION:
SIGNATURE OF ISSUER		

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SCHEDULE "C"

FALSE ALARM WARNING NOTICE

TO: _____ _____ _____ _____		FROM: _____ _____ _____ _____	
CALENDAR YEAR:	DATE OF CAUTION NOTICE:	DATE OF SUBSEQUENT FALSE ALARM:	TYPE OF ALARM: LOCATION OF ALARM: LOT: CON: PIN & ROAD:

Further to our Caution Notice of _____ (date), an additional false alarm at the above noted location was investigated by the _____ service. See copy of occurrence report attached.

Responding to false alarms imposes a considerable strain on the ability of the _____ services to provide protective services to all residents, as well as exposing their staff and the public to unnecessary risks.

Pursuant to section 3 of the By-law No. _____ you will be charged a fee for continued, unnecessary demand for service as a result of a false alarm at the above location. The fee imposed by By-law is \$1,230.00 per occurrence, payable to the _____ within 30 days of receipt of a Final Notice. Penalty for non-payment may also be imposed.

We recommend that you immediately take corrective action to prevent false alarms.

DATE ISSUED:	ISSUED BY:	
	NAME:	POSITION:
SIGNATURE OF ISSUER		

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SCHEDULE "D"

FALSE ALARM FINAL NOTICE

TO: _____ _____ _____ _____			FROM: _____ _____ _____ _____		
CALENDAR YEAR:	DATE OF CAUTION: DATE OF WARNING:	DATE OF FURTHER FALSE ALARM:	TYPE OF ALARM: LOCATION OF ALARM: LOT: CON: PIN & ROAD:		

Further to our Caution Notice of _____ (date) and to our Warning Notice of _____ (date) please be advised that (an) additional false alarm(s) was/were investigated by the _____ service at the above noted location on _____ (date(s)). See copy of occurrence report attached.

Responding to false alarms imposes a considerable strain on the ability of the _____ services to provide protective services to all residents, as well as exposing their staff and the public to unnecessary risks.

Pursuant to section 3 of the By-law No. _____ you are required to pay a fee of One thousand two hundred and thirty dollars (\$1,230.00) to the _____ for the continued, unnecessary demand for service as a result of a false alarm. The fee is payable within 30 days of receipt of this Notice, failing which penalty at 1.25% per month will be added. The Fire Department and/or Township may add any unpaid fees and penalty, 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. Each subsequent false alarm occurrence, within this calendar year, is subject to like fine of \$1,230.00.

DATE ISSUED:	ISSUED BY:
	NAME:
	POSITION:
SIGNATURE OF ISSUER:	