

The Corporation of the City of Pembroke

By-law Number 2014-12

Being a by-law to establish a system for the Reduction of False Alarms – Police Services

Whereas pursuant to the *Police Services Act*, R.S.O. 1990, c. P. 15, police services are provided within the City of Pembroke by the Ontario Provincial Police, subject to payment by the City of O.P.P. contracted charges; and;

Whereas the City has determined that users of Security Alarm Systems have been permitting significant numbers of False Alarms to occur annually; and

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

Whereas section 391 of the *Municipal Act*, 2001 permits the Municipality to impose fees or charges; and

Whereas section 398 (2) of the *Municipal Act*, 2001 permits the Municipality to add unpaid fees or charges to the Tax Roll and to collect them in the same manner as municipal taxes;

Now Therefore the Municipal Council of the Corporation of the City of Pembroke enacts as follows:

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".)
 - c. "By-law Enforcement Officer" shall mean the By-law Enforcement Officer for the City as appointed by Council from time to time;
 - d. "City" shall mean the Corporation of the City of Pembroke;
 - e. "Council" shall mean the Council for the City of Pembroke;
 - f. "False Alarm" shall mean any alarm incident that is not a valid alarm, and shall include, without limitation, an alarm incident cause 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.
 - g. "Monitoring Company" shall mean any person engaged in the business of monitoring alarm systems installed in respect of subject premises;
 - h. "No Fault alarms" where an alarm is triggered by natural causes or conditions beyond the control of the alarm user including, but not limited to an alarm actually or apparently activated by atmospheric conditions, excessive vibrations or extended power failure;
 - i. "O.P.P." shall mean Ontario Provincial Police;
 - j. "Owner" shall mean the owner of the property as shown on the most recent assessment roll of the municipality;
 - k. "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;

- l. "Response Authority" shall mean the O.P.P.
- m. "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;
- n. "Responsible Party" shall mean any or all of the owner or owners of and the person or person occupying the subject premises;
- o. "Subject Premises" shall mean any property in respect of which an alarm system is installed;
- p. "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.

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 and the owner 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 by police, the City may take the following action:
 - a. after the response a written notice shall be sent to the owner at the owner's last known address as shown on the most recent assessment roll;
 - b. After the second and subsequent response at the same premises in the same calendar year, a written notice advisory fee or charge in the amount of \$300,00 (three hundred dollars) plus H.S.T., for the service provided by the City and response authority for each occurrence shall be imposed upon the owner and a notice providing for the fee or charge shall be sent to the owner at the owner's last known address as shown on the most recent assessment roll. The notice shall state that the fee or charge is payable within 30 days of the date of mailing of the notice.
- 4. Notwithstanding the provisions of this by-law, the Chief Administrative Officer (CAO) may, at his discretion and under the following conditions exempt an owner from the requirement to pay the stipulated fee if:
 - a. The owner provides suitable evidence, in the opinion of the CAO, that the cause of the false alarm is being rectified;
 - b. The owner provides to the CAO, in writing, a specific date acceptable to the CAO by which time the cause of the false alarms will be rectified.
- 5. The City may take any action described in section 3 of this By-law, regardless of whether the City has taken any previous action as regards any one or more responses to false alarm(s) at the same subject premises.
- 6. 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 owner or may be subject to other collection options as deemed appropriate by the City.
- 7. Any fees or charges imposed pursuant to this By-law and remaining unpaid within 30 days of the notice 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 or by other means as determined by the City.

General

- 8. If any provision of this By-law, or the application thereof of such provision to any other person or in the event 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.
- 9. 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 of this By-law.
- 10. This By-law shall come into force and take effect upon the third and final reading thereof.

Short Title

- 11. This By-law may be cited as the “False Alarm Reduction By-law – Police”.

Read a First and Second Time this 18th day of February 2014.

Mayor

Chief Administrative Officer/Clerk

Read a Third Time and Passed this 14th day of February 2014.

Mayor

Chief Administrative Officer/Clerk