

THE CORPORATION OF THE CITY OF PEMBROKE

BY-LAW NUMBER 2003 - 21

A BY-LAW TO IMPOSE USER FEES FOR
MONITORED AUTOMATIC ALARMS (FALSE)

WHEREAS Section 391 of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, provides that a municipality and a local board may pass by-laws imposing fees or charges on any class of persons for services or activities provided or done by or on behalf of it;

AND WHEREAS the Council deems it desirable to impose fees for false fire alarms;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF PEMBROKE ENACTS AS FOLLOWS:

1. In this by-law:
 - a) "False alarm" means an alarm signal where a fire department response, in the opinion of the Pembroke Fire Chief, is not required;
 - b) "Owner" means the person, for the time being, managing or receiving the rent of the land or premises in connection with which the word is used whether on his own account or as an agent or trustee of any other person or who would receive the rent if such land and premises were let, and shall also include a lessee or occupant of the property who, under the terms of the lease, is required to repair and maintain the property in accordance with the standards for maintenance and occupancy of property;
 - c) "Property" means the property defined by the municipal address.
2. Where the Pembroke Fire Department responds to a false alarm, the following fees shall be payable by the owner of the property from which the alarm originated to the Corporation of the City of Pembroke:
 - a) first false alarm - no charge - letter of warning;
 - b) second false alarm within a twelve (12) month period of the first false alarm - \$260.95 plus GST;
 - c) each subsequent false alarm within a twelve (12) month period of the first false alarm - \$521.85 plus GST.
3. The Pembroke Fire Department shall continue to respond to all alarms and calls for assistance notwithstanding any previous false alarm from a property or non-payment of any fee hereunder.

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4. The Treasurer of the Corporation of the City of Pembroke may add any amount payable under this by-law which is not paid within thirty (30) days of demand to any property in the municipality for which all the owners are responsible for paying the fees and charges, and collect them in the same manner as municipal taxes or through the use of other legal means as deemed appropriate.
5. Notwithstanding the provisions of this by-law, the Fire Chief 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 Fire Chief, that the cause of the false alarm is being rectified;
 - b) the owner provides to the Fire Chief, in writing, a specific date acceptable to the Fire Chief by which time the cause of the false alarms will be rectified.
6. This by-law shall come into force and take effect upon the date of final passing thereof.

READ A FIRST AND SECOND TIME this 17th day of June, 2003.

Terry Lapierre
Chief Administrative Officer

[Signature]
Mayor

READ A THIRD TIME AND PASSED this 19th day of August, 2003.

Terry Lapierre
Chief Administrative Officer

[Signature]
Mayor