



BY-LAW

NO. 2023 –

Being a By-law to Impose Fees for At Fault False Alarm Calls for Service within the Municipality of Kincardine

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

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

Whereas the Municipal Act, S.O. 2001, c.25, Section 398 (2), as amended, provides that the municipality may add fees and charges imposed by the municipality to the tax roll for the following property in the local municipality and collect them in the same manner as municipal taxes: any property for which all the owners are responsible for paying the fees and charges; and

Whereas the number of false alarms in the Municipality of Kincardine has been identified as consuming a significant quantity of Police Service resources and municipal funds, which could be better directed to enhancing police presence in the community; now therefore be it

Resolved that the Council of The Corporation of the Municipality of Kincardine **Enacts** as follows:

1. Definitions

1.1. “Alarm Incident” means the activation of an Alarm System and direct or indirect reporting of the incident to the Police Service.

1.2. “Alarm System” means an assembly of mechanical or electrical devices which is designed or used for:

1.2.1. The detection of entry into or damage to a building, structure or premises and which emits sound or transmits sound, signal or message when activated, but does not include a device that is installed in a “motor vehicle” or “motor home” as those terms are defined in the Highway Traffic Act; or

1.2.2. The transmission of manually activated emergency signal to an alarm monitoring company but does not include a device designed to alert in case of a medical emergency.

1.3. “Alarm System Owner” means the owner, occupant, or lessee of a building, structure or premise that has an Alarm System or the lessee of an Alarm System.

1.4. “At Fault False Alarm” is any Alarm Incident where there is no evidence that an unauthorized entry or unlawful act has been attempted or made into, on or in respect of a building, structure or premises and includes, but is not limited to:

1.4.1. the activation of an Alarm System during testing;

- 1.4.2. An Alarm System activated by mechanical failure, malfunction, faulty equipment, sensitive or inappropriate placement of motion detectors or a battery failure;
- 1.4.3. An Alarm System activated by atmospheric conditions, vibrations, power failure or by an animal;
- 1.4.4. An Alarm System not maintained or cleaned;
- 1.4.5. An Alarm System activated by user error.
- 1.5. "Data Analysis Report" means a report provided by the Police Service including sufficient information related to the occurrence of the At Fault False Alarm and the Alarm System Owner.
- 1.6. "Municipality" shall mean The Corporation of the Municipality of Kincardine.
- 1.7. "Police Service" shall mean the Ontario Provincial Police (O.P.P.) or a police service maintained by the Municipality.

2. False Alarm Reduction

- 2.1. The Alarm System Owner and the registered title owner of the property containing an Alarm System is responsible to ensure at all times that the Alarm System is kept in good working order and condition and that users and the owner of the subject premises are kept fully apprised of the operation of the Alarm System.
- 2.2. The Alarm System Owner and the registered title owner of a property containing an Alarm System which causes an At Fault False Alarm occurrence and a response or responses by the Police Service shall be jointly liable to pay the Municipality fees as outlined in the Municipality's Rates and Fees By-law, as amended from time to time.
- 2.3. Where there is a Police Service response to an At Fault False Alarm occurrence, the Municipality shall upon receipt of the Data Analysis Report:
 - 2.3.1. On the first At Fault False Alarm - provide written notice to the Alarm System Owner and the registered title owner of the property including education of the By-law and that the Municipality may impose a fee as set out in the Municipality's Rates and Fees By-law;
 - 2.3.2. On the second and subsequent At Fault False Alarm occurrence within a twelve (12) month period at the same premises – a fee shall be imposed as set out in the Municipality's Rates and Fees By-law and increase per incident for the fourth and subsequent At Fault False Alarm occurrence.
- 2.4. The Municipality may take any action described in section 3 of this By-law, regardless of whether the Municipality has taken any previous action as regards any one or more responses to At Fault False Alarm(s) at the subject premises.

3. Collection of At Fault False Alarm Fees

- 3.1. The Municipality shall be provided with a Data Analysis Report outlining the At Fault False Alarm occurrences for administration of this By-law by the Police Service. The Data Analysis Report is to include sufficient information related to the occurrence of the At Fault False Alarm and the Alarm System Owner.
- 3.2. The frequency of submissions of the Data Analysis Report to the Municipality will be considerate of Section 2.2 of this By-law and at a minimum provided on a monthly basis for ensuring the Municipality can provide the required notice in a timely manner to the Alarm System Owner.

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3.3. Fees not paid within the applicable time shall be added to the tax roll in accordance with the terms of Section 398 of the Municipal Act, 2001, S.O. 2001, c.25

4. Validity

4.1. The provisions of this By-law are severable and if any provisions of this By-law should, for any reason, be declared invalid or unenforceable by any court, the remaining provisions of this By-law shall remain in full force and effect and be interpreted in such a manner as the context permits in order to carry out their intent.

5. Administration

5.1. This By-law shall be administered by the Manager of Legislative Services/Clerk and or their designate.

6. This By-law shall come into full force and effect upon final passage.

7. This By-law be cited as "The At Fault False Alarm By-law".

Read a First and Second Time this 5th day of June, 2023.

Read a Third Time and Finally Passed this 5th day of June, 2023.

Mayor

Clerk