

**THE CORPORATION OF THE TOWNSHIP OF LAURENTIAN VALLEY
BY-LAW NUMBER 08-03-388**

BEING A BY-LAW TO IMPOSE USER FEES AND CHARGES FOR FALSE ALARM INCIDENTS AND RECOVERING THE COSTS OF RESPONSES BY FIRE AND POLICE EMERGENCY SERVICES.

WHEREAS Section 391 of the Municipal Act, 2001, (S.O. 2001, C.25) authorizes Council to pass by-laws imposing fees or charges for services or activities provided or done by or on behalf of the municipality and for the use of its property;

AND WHEREAS The Corporation of the Township of Laurentian Valley provides and pays for fire and police emergency services;

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

AND WHEREAS the Council is desirous of establishing a system which will encourage the reduction of False Alarms and recovering costs of responses by fire and police emergency services to False Alarms;

NOW THEREFORE, the Corporation of the Township of Laurentian Valley hereby 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, or
 - ii fire or smoke at the Subject Premises but does not include any such device or system installed in or on any Subject Premises owned or occupied by the Township.
- (c) "Council" shall mean the Council for the Township.
- (d) "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.
- (e) "Fire Department" shall mean the fire department of the Township.
- (f) "Monitoring Company" shall mean any Person engaged in the business of monitoring Alarm Systems installed in respect of the Subject Premises.

- (g) "O.P.P." shall mean the Ontario Provincial Police.
- (h) "Person" shall mean an individual, sole proprietorship, partnership, unincorporated association, unincorporated syndicate, unincorporated organization, trust, body corporate, or 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 Fire Department depending on whether an Alarm Incident relates to security or fire or both.
- (j) "Response" shall mean the attendance by any Response Authority at the 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 Township or to the Response Authority.
- (k) "Responsible Party" shall mean any or all of the owner or owners of the Subject Premises or any or all of 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) "Township" shall mean The Corporation of the Township of Laurentian Valley.
- (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.

MAINTENANCE OF ALARM SYSTEMS

- 2. A Responsible Party shall ensure at all times that the Alarm System is maintained in good working order and condition and that any users of the Subject Premises are kept fully apprized of the operation of the Alarm System.

FEES AND CHARGES AND COLLECTION OF SAME

- 3.
 - (a) Any Responsible Party is jointly and severally liable to pay to the Township the fees set out in Schedule "A" hereto upon a response to a False Alarm by the Fire Department or the O.P.P. or both. If one of the Fire Department or the O.P.P. respond to a False Alarm, any Responsible Party will be pay to the Township the fee set out in Schedule "A" relating to the Response Authority that has responded to the False Alarm. If both the Fire Department and the O.P.P. respond to the False Alarm, the Responsible Party will pay to the Township the fees set out in Schedule "A" relating to both Response Authorities.
 - (b) Schedule "A" shall be deemed to be an integral part of the By-Law.
 - (c) The applicable fees and charges shall be calculated by the Treasurer of the Township. The Treasurer shall keep a record of False Alarms occurring at each Subject Premises commencing on January 1st in each and every year, and the Treasurer shall send an invoice relating to the applicable fees and charges set out in Schedule "A" as required and as soon as practicable after receiving reports from the applicable Response Authority.
 - (d) 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.
 - (e) The responsibilities of the Treasurer under this By-Law may be delegated to

his/her designate.

- (f) Any fees or charges imposed pursuant to this By-Law and remaining unpaid may be added by the Treasurer to the tax roll for any real property for which all of the owners are responsible for paying such fees and charges, and may be collected in the same manner as Municipal taxes.

ADMINISTRATIVE PROCEDURES

- 4. The Chief Administrative Officer for the Township shall develop administrative procedures to notify the Owner of the Subject Lands of the need to inspect the Alarm System and of the financial implications of further responses by the Response Authority after a first response to the Subject Lands, and as well reasonable procedures relating to same to notify any occupier of the Subject Lands of the issues set out in this paragraph. The Chief Administrative Officer may also issue other related administrative procedures.

GENERAL

- 5. If any provision of this By-Law, or the application thereof of such provision to any other Person or in any extent 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.
- 6. This By-Law shall not be construed at any time so as to hold the Township or its Officers liable for failing to ensure that Persons comply with the provisions of this By-Law.
- 7. By-Law Number 02-05-139 is hereby repealed.
- 8. This By-Law shall come into force and take effect on January 1, 2009.

SHORT TITLE

- 9. This By-Law may be cited as the "False Alarm Costs Recovery By-Law".

Read a FIRST and SECOND time this 18th day of March, 2008.

REEVE

CHIEF ADMINISTRATIVE OFFICER/CLERK

Read a THIRD time and FINALLY passed this 18th day of March, 2008.

REEVE

CHIEF ADMINISTRATIVE OFFICER/CLERK

SCHEDULE "A"

FALSE ALARM FEES AND CHARGES

	<u>O.P.P.</u>	<u>Fire Department</u>
First Response over a twelve month period commencing on January 1 st in each year	No Charge	No Charge
Second Response over a twelve month period commencing on January 1 st in each year	No Charge	No Charge
Third Response over a twelve month period commencing on January 1 st in each year	\$300.00	\$350.00/hour per vehicle responding
Fourth Response over a twelve month period commencing on January 1 st in each year	\$400.00	\$350.00/hour per vehicle responding
Fifth and Subsequent Response(s) over a twelve month period commencing on January 1 st in each year	\$400.00	\$400.00/hour per vehicle responding

ADMINISTRATIVE PROCEDURES

RELATING TO THE CORPORATION OF THE TOWNSHIP OF LAURENTIAN
VALLEY BY-LAW NUMBER 08-03-388

BEING A BY-LAW TO IMPOSE USER FEES AND CHARGES FOR FALSE ALARM
INCIDENTS AND THE COSTS OF RESPONSES BY FIRE AND POLICE
EMERGENCY SERVICES.

1. The Ontario Provincial Police and the Fire Chief of the Township of Laurentian Valley or his/her designate shall submit a monthly report to the Treasurer or his/her designate relating to each False Alarm occurring in the Township as soon as practicable.
2. For all First and Second False Alarm Responses occurring at a Subject Premises as set out in the said By-Law, the Treasurer shall send a letter by ordinary mail to the assessed owner(s) to the address of the person as shown on the last returned assessment roll of the Township and to the assessed owner(s) at another address if the Treasurer has a record of such address, and to any occupant of whom the Treasurer is aware at the address of the Subject Premises. The Treasurer shall not be obligated to conduct any enquiries as to the name or address of any Person as set out in the said By-Law who is, or may be, an occupant of the Subject Premises.
3. The letter shall include, *inter alia*, a recommendation that the owner determine the cause of the False Alarm and remedy any problems or deficiencies, as well as pointing out the fees and charges levied for subsequent False Alarms.
4. The Treasurer in his/her absolute discretion may at any time after calculating the applicable fees and charges and without notice add same to the tax roll of the Subject Property.

DATED THIS _____ DAY OF MARCH, 2008

DARREL RYAN,
Chief Administrative Officer