

The Corporation of the Town of Essex

By-Law Number 2029

Being a by-law to impose fees and charges for services provided by the Ontario Provincial Police on behalf of the Corporation of the Town of Essex relating to reducing false security alarms in the Town of Essex

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

AND WHEREAS Section 398 (2) of the *Municipal Act, 2001, S.O. 2001, c. 25* as amended provides for the addition of fees and charges imposed by the municipality or local board, respectively, to the tax roll for any property for which all of the owners are responsible for paying the fees and charges in the local municipality and collect them in the same manner as municipal taxes;

AND WHEREAS Section 345 of the *Municipal Act, 2001, S.O. 2001, c. 25* authorizes the Council of a local municipality to establish penalty and interest charges, notice as to time and notice of payment, and payment of installments and options;

AND WHEREAS the number of false alarms in the Town of Essex has been identified as consuming a significant quantity of Ontario Provincial Police (OPP) resources, which could be better directed to enhancing police presence in the community through the reduction of false alarms;

AND WHEREAS the response to these false alarms interferes with the ability of the OPP to respond to actual emergencies, posing a threat to officer safety and members of the public by creating unnecessary delays;

AND WHEREAS Municipalities and Police Service Boards across Ontario are seeking to address false alarms and decrease related calls for service;

AND WHEREAS the Council of the Corporation of the Town of Essex deems it necessary for the to impose fees for services of the OPP related to the reduction of false security alarms;

NOW THEREFORE be it resolved that the Council of the Corporation of the Town of Essex enacts as follows:

1.0 DEFINITIONS

- 1.1 **"Alarm"** means any signal activated for the legitimate purpose of notification of a criminal act, an attempted criminal act, or any bona fide emergency situation occurring at a premise.
- 1.2 **"Alarm Business"** means the business by an individual, partnership, corporation or other entity which sells, leases, maintains, services, repairs, alters, replaces, moves, installs, or monitors an Alarm Device, and may include reporting the occurrence of Alarms to the Police Service.
- 1.3 **"Alarm Device"** means any device or series of devices installed on real property and designed to detect criminal activity or unauthorized entry or emergency which when activated, emits, or transmits a local or remote audible, visual, or electronic signal intended to alert the Alarm System Owner or summon the Police Service, whether monitored by an Alarm Business or not. This definition does not

include an Alarm installed in a vehicle or on a person unless the vehicle or personal alarm is permanently located at the premises.

- 1.4 **“Alarm System Owner”** means the owner, occupant or lessee of a building, structure or premise that has a security alarm system or the lessee of a security alarm system.
- 1.5 **“False Alarm”** means any Alarm from an Alarm Device that is reported to the Police Service, resulting in a false dispatch that is caused by:
- a) the testing of an Alarm Device without police knowledge and approval;
 - b) negligence or carelessness of the Alarm Business or Alarm System Owner;
 - c) mechanical failure or improper installation; and/or
 - d) internal or external atmospheric conditions, vibrations, or power surges.
- 1.6 **“Fees and Charges By-Law”** means a by-law passed by Council setting the fees and charges for municipal services, as may be amended from time to time.
- 1.7 **“Bona Fide”** means an emergency where there is:
- a) an attempted or completed criminal act; or
 - b) any other valid emergency situation occurring at, or in relation to the premise.
- 1.8 **“Police Service”** means the Ontario Provincial Police (OPP), Essex Detachment specifically contracted by the Town of Essex to provide policing services or their contracted or designated successors thereof.
- 1.9 **“Registered Premises”** means any premises containing an Alarm Device which is validly registered with the Ontario Provincial Police, Essex Detachment in accordance with Section 2 of this By-Law.
- 2.0 VOLUNTARY REGISTRATION**
- 2.1 The Police Service shall maintain and/or monitor a registration system of any alarmed premises which are voluntarily registered by the Alarm System Owner, using the complete application in the form and manner attached hereto as Schedule “A”.
- 2.2 For any Alarm System Owner who wishes to register the alarmed premises, upon completion of the application in the form and manner attached hereto as Schedule “A”, the Town of Essex will register, retain, and update information relating to the Registered Premises.
- 2.3 Registration shall be considered valid until December 31 of each calendar year. Alarm System Owners who wish to continue their registration for the subsequent calendar year commencing January 1 shall again complete the application in the form and manner attached hereto as Schedule “A”.
- 3.0 FEES FOR FALSE ALARMS**
- 3.1 The Police Service will respond to two (2) False Alarms, as defined herein, to any Registered Premises with an alarm during each calendar year without fee or charge to the Alarm System Owner.
- 3.2 A charge in the amount set out in the Fees and Charges By-Law will be imposed on the Alarm System Owner of any Registered Premises for response by the Police Service for the third False Alarm within each calendar year, and separate charge in



the amount set out in the Fees and Charges By-Law will thereafter be imposed on the Alarm System Owner for each subsequent False Alarm in the calendar year.

3.3 A charge in the amount set out in the Fees and Charges By-Law will be imposed on the Alarm System Owner of any premises not registered in accordance with Section 2 of this By-Law for response by the Police Service for each False Alarm within each calendar year.

3.4 An Alarm shall not be classified as a False Alarm if, within forty-eight (48) hours of the response by the Police Service, the Alarm System Owner or an Alarm Business furnishes evidence satisfactory to the Police Service that an Alarm was caused by:

- a) an unauthorized entry or attempted unauthorized entry into the building, structure, or facility; or
- b) an extraordinary circumstance as determined by the sole discretion of the Police Service Detachment Commander.

4.0 COLLECTION OF FALSE ALARM FEES

4.1 The Police Service shall provide Town of Essex Administration with the required information within 15 days of the end of a calendar month, regarding False Alarm occurrences in the preceding month for invoicing and collection purposes. Required information includes at a minimum the name of the Alarm System Owner and the address.

4.2 Fees and charges shall be invoiced and collected by the Town of Essex. Invoices shall be dated on the date of printing and mailed within five (5) business days of the date of printing. Unless otherwise specified, all fees and charges collectable shall be due and payable at the time of invoicing.

4.3 In the event that the Alarm System Owner fails to pay a False Alarm charge within thirty (30) days of invoicing, the Town of Essex will take appropriate steps in relation to collection thereof which may include civil action and/or the addition of the fee or charge to the municipal tax roll for any real property in the municipality to be collected in a like manner as municipal taxes.

5.0 ADDITIONAL REGULATIONS

5.1 No person shall install, maintain or use an automatic calling device designed to transmit a message to the Police Service.

5.2 The Alarm System Owner shall appoint a contact person to attend the premise where the Alarm is activated, within thirty (30) minutes of the activation and to be available to allow access to the premises where an Alarm is located for inspection purposes and to answer inquiries from the Police Service.

6.0 VALIDITY

6.1 If any term of this By-Law or the application thereof shall, to any extent, be invalid or unenforceable, the remainder of this By-Law and/or the application of such term to circumstances, other than those to which it is held invalid or unenforceable, shall not be affected thereby and each term of this By-Law shall be separately valid and enforceable to the fullest extent permitted by law.

7.0 ENACTMENT

7.1 The short title of this by-law shall be the "False Alarm Reduction By-Law".

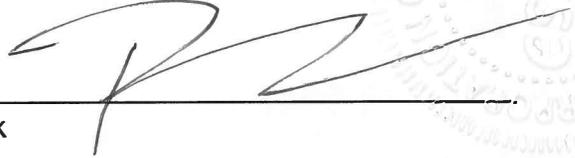
7.2 This by-law shall come into full force and effect January 1, 2022.



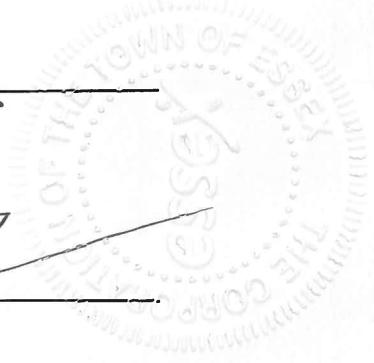
Read a first, a second and a third time and finally passed on November 15, 2021.



Mayor



Clerk





By-Law 2029 Schedule "A" Security Alarm Registration

Premise Information			
Company Name (or Householder Name, if Residential):			
Address or Protected Premises:			Postal Code:
Mailing Address of Company, if different than above:		Contact Person Phone Number:	
Contact Person Email Address:			
Alarm Information			
<input type="checkbox"/> Residential	<input type="checkbox"/> Pharmacy	<input type="checkbox"/> Monitored	<input type="checkbox"/> Video
<input type="checkbox"/> Commercial	<input type="checkbox"/> School	<input type="checkbox"/> Non-Monitored	<input type="checkbox"/> Other (specify)
<input type="checkbox"/> Financial Institution		_____	
Key Holder Information			
Name	Home Phone #	Cell Phone #	Other Phone #
Name	Home Phone #	Cell Phone #	Other Phone #
Name	Home Phone #	Cell Phone #	Other Phone #
Other Information			
<input type="checkbox"/> Pet(s) on Premises		IF YES: What types of animals and how many of each? _____	
Certification			
I certify that I have read and understood Town of Essex By-Law No. 2029 – False Alarm Reduction. If any of the above contact information changes, I will immediately provide the updated information. <i>The personal information collected on this registration is for the sole purpose of administering the Town's alarm registration program as outline in By-Law No. 2029 and will not be used for any other purpose.</i>			
Name (Print):	Signature:	Date:	