

THE CORPORATION OF THE TOWNSHIP OF TINY

BY-LAW 11-044

Being a By-law to Establish a False Alarm Policy and to Impose Fees and Charges for Services Provided by the Police Service on Behalf of The Corporation of the Township of Tiny for OPP False Alarms

WHEREAS Section 8 of the Municipal Act, R.S.O. 2001, c. M.25, as amended, provides that the powers of a municipality under this or any other Act shall be interpreted broadly to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS Section 9 of The Municipal Act, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS Section 11 subsections (2) and (3) of the Municipal Act also provides that a lower-tier municipality may pass by-laws, subject to the rules set out in subsection (4);

AND WHEREAS Section 391 of the Municipal Act, provides that a municipality and a local board 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 number of false alarms in the Township of Tiny has been identified as consuming a significant quantity of police service resources, which could be better directed to enhancing the police presence in the municipality;

AND WHEREAS these false alarms require emergency response from the police service posing a threat to the safety of officers and members of the public by creating unnecessary hazards and delaying the response to actual emergencies;

AND WHEREAS Section 5 of the Police Services Act, R.S.O., 1990, c. P.15, as amended, provides that The Corporation of the Township of Tiny is required to provide police services for the municipality;

AND WHEREAS The Corporation of the Township of Tiny provides such services through the Southern Georgian Bay Ontario Provincial Police;

NOW THEREFORE be it enacted and it is hereby enacted by the Council of The Corporation of the Township of Tiny as follows:

1. In this By-law:
 - a) "Alarm" means any device, whether electronic or otherwise, design or intended to call attention to a property.
 - b) "Alarm business" means any person or persons who engage in the business of monitoring alarm systems and reporting to the service where an alarm system has been activated.
 - c) "Alarm response year" means the period of January 1 to December 31 of any given calendar year.

- d) "Alarm subscriber" means any person who pays funds to an alarm business in exchange for installation, monitoring, maintenance of an alarm system.
 - e) "Automatic calling device" means any device that when activated, automatically transmits a signal or message to 9-1-1- or other Police dispatch service.
 - f) "False alarm" means any alarm given without there first being an emergency and includes the activation or testing of an alarm without advance notice to the Police Service and/or Alarm Business.
 - g) "Municipality" means The Corporation of the Township of Tiny.
 - h) "Owner" means the registered owner of the property and any other person acting as or on behalf of the owner, occupier under legal agreement where an alarm system is installed.
 - i) "Police Service" means the agency providing police services to the municipality.
 - j) "Valid alarm" means any alarm signal which has been activated for the legitimate purpose of detecting an a) criminal act or attempt thereof; or b) an emergency situation on, or in relation to the premises.
2. No person shall, at any time, install, maintain or use an audible alarm that is capable of being sounded continuously for a period greater than fifteen (15) minutes.
3. No person shall, any time, install, maintain or use an automatic calling device. Messages received by the Police Service originating from an automatic calling device shall not be responded to.
4. Every owner of premises in which an alarm is installed shall have a person available at all times to:
- a) Be available at any time to receive calls from a member of the Police Service serving the municipality in respect of an alarm;
 - b) Be capable of obtaining or allowing access to the premises where the alarm is located;
 - c) Attend the premises where the alarm is located, within thirty (30) minutes of being requested to do so by the member of the Police Service following the activation of the alarm; and
 - d) Identify, where there is more than one alarm system within a building, which alarm system has experienced an activation of the alarm.
5. Each and every person, agency or business who owns or monitors an alarm shall verify the validity of an alarm prior to contacting the Police Service for a response.
6. The procedure for administering responses to false alarm shall be as follows:
- a) Within an alarm response year:
 - i) First False Alarm – No charge.

- ii) Second False Alarm – No charge. A warning notice shall be sent by the Municipality to the owner of the premises from which the alarm originated at the address of the premises according to the last revised assessment roll.
 - iii) Third and all Subsequent False Alarms – \$200.00, or the amount listed in the current Fee Schedule By-law, will be levied to the owner for each false alarm occurrence within an alarm response year. Unpaid balance after 30 days is subject to interest at 1.25% per month. In the event the fee remains unpaid after 60 days, the outstanding amount shall be applied to the tax roll account as provided for in the Municipal Act, 2001 S.O. c 25, as amended.
- b) After the occurrence of a third false alarm in an alarm response year Notice of Priority of Response Status shall be sent in the matter described in section 6(a).
- c) Re-installment of response status shall only be permitted if the following conditions are satisfied:
- i) That fees and charges payable under this by-law and any successor or similar by-law are paid in full including any interest charges; and
 - ii) The owner of the premises provides satisfactory evidence that the alarm from which the false alarms originated is in proper working order, or has been replaced with a properly functioning unit and that satisfactory steps have been taken to prevent future false alarms.

7. Where there is a disagreement between the Municipality and the owner pertaining to the occurrence of a false alarm, the owner shall make application to the Police Service serving the municipality or designate for reconsideration.

8. That all facilities owned and/or operated by the Municipality shall be exempt from this By-law.

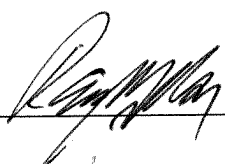
9. That should any section, subsection, clause, paragraph or provision of this By-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this By-law as a whole or part thereof, other than the provisions so declared to be invalid.

10. That this By-law shall take effect on January 1st, 2012.


READ A FIRST AND SECOND TIME THIS 31st DAY OF October 2011.

READ A THIRD TIME AND FINALLY PASSED THIS 31st DAY OF October 2011.

THE CORPORATION OF THE TOWNSHIP OF TINY



Mayor, Ray Millar



Chief Administrative Officer/Clerk, Doug Luker