

BY-LAW NO. 17/13

OF

THE HALDIMAND COUNTY POLICE SERVICES BOARD

Being a by-law to impose fees and charges for services and activities provided by the Ontario Provincial Police, Haldimand County Detachment, on behalf of the Haldimand County Police Services Board, related to a response to property based False Alarms, and to repeal By-Law 14/11

WHEREAS pursuant to Section 391 of the *Municipal Act*, S.O. 2001, c.25 as amended, the Haldimand County Police Services Board, being a local board as defined in Section 1 of said *Act*, is authorized to pass by-laws imposing fees or charges on any class of persons for, services or activities provided or done by it and for the use of its property;

AND WHEREAS the Ontario Provincial Police, Haldimand County Detachment, hereinafter referred to as the OPP, will register information pertaining to premises equipped with security alarm systems;

AND WHEREAS the OPP is required to attend to all calls for service initiated by security alarm systems installed in residential, institutional and commercial premises;

AND WHEREAS the OPP incurs costs when responding to calls for service initiated by security alarm systems, installed in residential, institutional and commercial premises, which are false alarms;

AND WHEREAS the number of false alarms in Haldimand County, hereinafter referred to as the County, has been identified as consuming a significant quantity of OPP resources, which could be better directed to enhancing police presence in the community through the reduction of false alarms;

AND WHEREAS response to false alarms interferes with the ability of the OPP to respond to actual incidents and genuine emergencies;

AND WHEREAS the reduction of false alarms has been identified as a priority by the Haldimand County Police Services Board and the OPP;

AND WHEREAS the Haldimand County Police Services Board previously passed By-law No. 04/05, being a by-law to impose fees and charges for services and activities provided by the Ontario Provincial Police, Haldimand County Detachment, on behalf of the Haldimand County Police Services Board, related to the response to property based False Alarms;

AND WHEREAS the Haldimand County Police Services Board deems it expedient to revise the by-law for fees and charges related to the response to false alarms at residential, institutional and commercial premises;

NOW THEREFORE, the Haldimand County Police Services Board enacts as follows, that:

PART I DEFINITIONS

1.1 In this by-law:

- 1.1.1 "ALARM" is the security alarm system signal activated for the legitimate purpose of notification of a criminal act, an attempted criminal act, or any bonafide emergency situation at a premise.
- 1.1.2 "ALARM BUSINESS" includes an alarm installation business and an alarm monitoring business.
- 1.1.3 "ALARM REGISTRATION APPLICATION" means the application form required to be completed and submitted to the OPP for approval and entry into the Alarm Registry database as a valid registered premise.
- 1.1.4 "ALARM REGISTRATION SYSTEM" or "ALARM REGISTRY" means a database, maintained by the OPP, containing relevant information pertaining to an alarmed premise, as submitted by the Alarm System Owner on the Alarm Registration Application and approved by the OPP, for the purpose of providing OPP Response.
- 1.1.5 "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.
- 1.1.6 "FALSE ALARM" means any signal from a security alarm system that is reported to the OPP, resulting in a false dispatch that is caused by:
 - i) the testing of an alarm without police knowledge and approval;
 - ii) alarms caused by the negligence or carelessness of the Alarm Business, the Alarm System Owner or alarm user;
 - iii) alarms activated due to mechanical failure or improper installation; and/or
 - iv) alarms activated by internal or external atmospheric conditions, vibrations, or power surges.

A "bonafide" emergency is defined to exist where there is:

- v) an unauthorized entry into a building, structure or premise, including an attempted or completed criminal act;
 - vi) an act of a person other than the alarm business or Alarm System Owner, including any of its agents; or
 - vii) any other valid emergency situation occurring at, or in relation to, the premise.
- 1.1.7 "POLICE RESPONSE" includes any means of answering a call for police service that involves the attendance of an OPP Police Officer at the scene of an alarm.

- 1.1.8 "REGISTERED PREMISES" means any residential, institutional or commercial premises containing a Security Alarm System, which is validly registered with the OPP.
- 1.1.9 "SECURITY ALARM SYSTEM" means an assembly of mechanical or electrical devices which is designed or used for:
- i) the detection of entry into or damage to a building, structure or premises and which emits sound or transmits a 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
 - ii) the transmission of a manually activated emergency signal to an Alarm Business, including devices installed in bank automated teller machines, but does not include a device designed to alert in case of medical emergency.
- 1.1.10 "UNREGISTERED PREMISES" means any residential, institutional or commercial premise containing a Security Alarm System, which is not validly registered with the OPP.

PART II REGISTRATION OF ALARM SYSTEMS

- 2.1 The OPP shall maintain an Alarm Registration System of any alarmed residential, institutional or commercial premise, which is voluntarily registered by the Alarm System Owner. Any Alarm System Owner who wishes to register the alarmed premise is required to complete and submit, to the OPP, an Alarm Registration Application and a registration fee (as per Schedule 'A'), payable by cheque or money order to "Haldimand County" upon registration, for the period of January 1st to December 31st inclusive. Upon payment of the fee and approval of the application, the OPP will register, retain and update information relating to the registered premise.
- 2.2 Registration fees for new Security Alarm Systems are due and payable prior to the first request for police response to the premises; otherwise, the premises will be classed as "Unregistered" for the purposes of determining the applicable fees as set out in Schedule A.
- 2.3 Every Alarm System Owner shall notify the OPP in writing of any changes in information, as detailed on the Alarm Registration Application, within fifteen (15) days of said change.
- 2.4 On or about Nov 1st of each year, notice shall be provided by the OPP to all registered premises' Alarm System Owners with respect to alarm registration renewal.
- 2.5 Renewal of alarm registrations are to be remitted to the OPP by the Alarm System Owner by January 1st of each year. Failure to meet the said deadline will result in expiry of the alarm registration, and the Alarm System Owner will be required to submit a new Alarm Registration Application, including the applicable alarm registration fee.

PART III CHARGES FOR FALSE ALARMS

- 3.1 Where there is a Police Response to a False Alarm, the Alarm System Owner shall be responsible for the fees as set out in Schedule "A" attached to and forming part of this by-law.
- 3.2 An Alarm shall not be classified as a False Alarm, if, within forty-eight (48) hours of the OPP response, the Alarm System Owner or an Alarm Business furnishes evidence to the OPP that the Alarm was caused by:
- i) an unauthorized entry into the building, structure or facility;
 - ii) an act of a person other than an Alarm Business, the Alarm System Owner or its agents; or
 - iii) an extraordinary circumstance as determined by the OPP Detachment Commander.

PART IV COLLECTION OF FALSE ALARMS FEES AND CHARGES

- 4.1 The OPP shall provide required information on a monthly basis, to Haldimand County regarding False Alarms, for invoicing and collection purposes.
- 4.2 Fees and charges shall be invoiced and collected by Haldimand County, in accordance with the established County Accounts Receivable procedures.
- 4.3 In the event that the Alarm System Owner fails to pay the False Alarm charge within thirty (30) days of invoice, Haldimand County will take appropriate steps in relation to collection thereof, which may include civil action, collection agencies, or collection provisions provided for in the *Municipal Act, 2001*.
- 4.4 Service charges and interest may also be collected in addition to fees and charges imposed pursuant to the provisions of this by-law.

PART V PARTIAL INVALIDITY

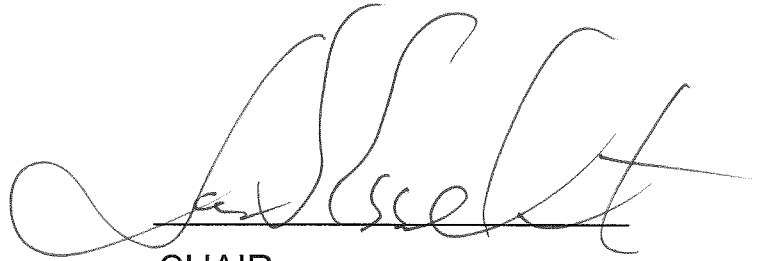
- 5.1 If any term of this by-law or the application thereof shall, to any extent, be invalid or unenforceable, the remainder of this by-law and/or the application of such term to circumstances, other than those to which it is held invalid or unenforceable, shall not be affected thereby and each term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

PART VI ENACTMENT


- 6.1 The short title of this by-law is the False Alarm Reduction and User Fee By-Law.
- 6.2 By-Law 14/11 is hereby repealed
- 6.3 This By-Law shall be effective January 1, 2014, conditional upon approval by Haldimand County Council.

READ a first and second time this 27th day of November, 2013.

READ a third time and finally passed this 27th day of November, 2013.

A large, stylized handwritten signature in black ink, written over a horizontal line.

CHAIR

A smaller, stylized handwritten signature in black ink, written over a horizontal line.

SECRETARY

Schedule 'A'

Service/Charge	Total Fee*
Alarmed Premises Registration	\$45.00
Registered Premises False Alarms, per incident, per calendar year:	
First	No charge
Second	\$58.00
Third	\$114.00
Fourth and subsequent	\$ 172.00 and the fee shall increase in the amount of \$58.00 per incident thereafter
Unregistered Premises False Alarms, per incident, per calendar year:	
First	No charge
Second	\$86.00
Third	\$172.00
Fourth and subsequent	\$ 228.00 and the fee shall increase in the amount of \$58.00 per incident thereafter

*All fees are HST Exempt.