

HALDIMAND COUNTY

Report CS-PSB-02-2018 User Fees and Charges for Policing Related Activities



For Consideration by the Police Services Board on October 24, 2018

OBJECTIVE:

To present Haldimand County's Police Services Board with recommendations to update and revise the user fees that should be charged for certain policing related activities.

RECOMMENDATIONS:

1. THAT Report CS-PSB-02-2018 User Fees and Charges for Policing Related Activities be received;
2. AND THAT, for the reasons outlined in Report CS-PSB-02-2018, the Police User Fees and Service Charges PSB By-law #16/13 be rescinded, effective immediately;
3. AND THAT the amended False Alarm Response user fees, as reflected in Attachment #4 to Report CS-PSB-02-2018, be approved and recommended to Haldimand County Council for adoption by resolution, effective January 1, 2019;
4. AND THAT the appropriate By-law be passed, conditional on Haldimand County Council approval.

Respectfully submitted: Karen General, CPA, CGA, General Manager of Corporate Services

EXECUTIVE SUMMARY:

User fees and service charges help generate revenue to offset some of the burden on the general property taxpayer for policing services. Haldimand County's policing user fees were last reviewed four years ago. In recent years, the Haldimand Ontario Provincial Police (OPP) Detachment has stopped adhering to some of the fees outlined in the Haldimand County By-laws and, instead, have been applying the OPP's Provincial standard charges.

County staff have reviewed the inconsistencies and recommend repealing the conflicting Haldimand by-law. As the Haldimand OPP are continuing to comply with the False Alarm Response Fee program, that By-law is recommended to remain in effect but with updates for easier administration.

The Police Services Board recommendations and by-laws will not take effect until Haldimand County Council passes a resolution of support. Staff's intent is to take a report to the Council in Committee meeting on October 30, 2018 so that the updated schedule(s) can be in place on January 1, 2019 and remain in effect until other future cost or tax adjustments become applicable.

BACKGROUND:

Since 2006, the Haldimand County Police Services Board (PSB) and Haldimand County Council have enacted By-laws to impose user fees and charges for various services and activities provided by the Ontario Provincial Police. Authority to impose these fees came from Section 391 of *The Municipal Act*, S.O. 2001, c.25. In 2010 and 2012, these user fees underwent significant review in comparison to other

municipalities' policing charges, with resulting amendments to the by-laws. The Haldimand County fees were last increased in 2014, a year prior to implementation of the new OPP Municipal Policing Billing Model. No changes have been made to Haldimand PSB By-laws 16/13 and 17/13 (Attachments #1 and #2, respectively) in the past four years.

In recent years, County staff have noticed an inconsistency in the user fees charged by Haldimand OPP, in comparison to our approved By-laws. Discussions with local detachment personnel have led to the conclusion that the OPP has been directed to follow the Provincial schedule of fees and charges (Attachment #3) in order to maintain consistency from one OPP detachment to another. An exception to this approach relates to Haldimand's False Alarm Response program, which the local detachment is partially adhering to in terms of the By-law.

The recommendations in this report have not been reviewed with the local OPP Detachment given challenges in scheduling such discussions. County staff briefly discussed this issue with the County solicitor, in terms of the authority to set local user fees for policing services, and advise that the time and expense needed to pursue further is not justified given the overall revenue collected to offset some of the local policing services.

ANALYSIS:

Police User Fees & Charges (By-law 16/13)

Staff propose that Police Services Board (PSB) By-law 16/13 be repealed given that the Haldimand OPP Detachment is applying user fees based on the Provincial OPP Schedule. In making this recommendation, staff have compared the Provincial OPP fee schedule with the County's by-law and identified the following:

- The OPP's 2018 fees, for the same services, are lower than the County's charges (based on 2014 policing costs and comparison to other municipal police forces), meaning that less of the cost is being absorbed by the user resulting in more taxpayer subsidy, as follows:
 - Technical traffic collision & reconstructionist reports (generally paid for by insurance companies): OPP fee is 12% lower
 - Occurrence/Incident reports & statements: OPP fee is 33% lower
 - Criminal record checks for employment purposes: OPP fee is 33% lower except, due to a recent complaint, the County has learned that the OPP applies this fee to College/University students who are needing such a check for a co-op placement.
 - Criminal record checks for volunteers: both are the same at no charge (with the exception of the note above for co-op placements.). Given the number of volunteers in Haldimand County, it is of prime local importance that individuals not be charged for this service.
 - Paid Duty: this is not the charge for the officer's time (which is to be fully cost recovered) but is an administrative and vehicle usage fee. The current OPP fees are significantly lower than the County's 2015 calculation, meaning the costs are likely being subsidized.
- Since January 2015, Criminal Record Checks have been mailed out by the detachment, which has eliminated the requirement to charge the \$35 fee associated with unclaimed documents (a fee which the local OPP had previously requested be imposed due to the high volume of unclaimed reports).
- Fingerprint charges have been affected by recent years' changes related to RCMP scans; as a result, the comparison to past fees is not relevant.

It should be noted that the OPP have indicated a provincial review of their fees is being undertaken. If and when that occurs, the local detachment will be charging the revised Provincial OPP fees and charges. County staff stress that the messaging related to the policing user fees, outlined on Attachment #3, needs to be clear from the Detachment personnel – these are not charges that have been locally determined but are Provincial OPP directives.

False Alarm Response (By-law 17/13)

On the other hand, the False Alarm Response program (By-law 17/13) is a local policing program that was first initiated at the request of the Detachment. However, over time, parts of this by-law have either not been administered or have proven challenging from a workload perspective. As per the current by-law, the OPP were to maintain an “Alarm Registry” for the purpose of providing officers with contact information related to a premise in order to assist the response to alarm calls. Due to changes in software, OPP processes, and the limitation of officers’ access to the information while on the road, the Alarm Registry is no longer used by the detachment. Given the administrative time and costs required to collect the registration forms and fees, as well as the fact that the registration information is not useful for the OPP, staff are recommending removing the alarm registration process from the by-law.

County staff contacted other local OPP Detachments to determine if the False Alarm Response Program was in place in those municipalities, with the following results:

- Brant County:
 - No registration process
 - “At Fault” False Alarm:
 - First response per calendar year = no charge
 - Second and subsequent response per calendar year = \$100 each
- Norfolk County:
 - Registration fee: \$45 per annum
 - “At Fault” False Alarm:
 - First response per calendar year = no charge
 - Second response per calendar year = \$75 registered; \$100 unregistered
 - Third response per calendar year = \$150 if registered; \$200 unregistered
 - Fourth response per calendar year = \$200 if registered; \$300 unregistered
 - Fifth and subsequent response per calendar year = \$400 registered; \$500 unregistered
 - Notice of Appeal Application to the Police Services Board: \$45

It is recommended that Haldimand County’s False Alarm Response program mirror that of Brant County’s given its simplicity and ease of administration. The only recommended change is that the fee be set at \$125 for second and subsequent responses. This is more reflective of the actual cost of \$127 per call for this policing service, based on the 2019 OPP Billing Estimate - Operational Type 2 Calls for Service (as outlined in report CS-PSB-03-2018). The 2019 Billing Estimate documents also identifies the actual 2014 to 2017 calls for service for false alarms in Haldimand County.

Consistent with past practice, the PSB user fees should be ratified by resolution of County Council. Staff propose that the recommendations outlined in this report be presented to the October 30, 2018 Council in Committee meeting. By including a clause allowing the by-law to only come into effect after ratification by Haldimand County Council, the revised policing related user fees may be implemented without having to be further approved by the PSB at a subsequent meeting.

FINANCIAL/LEGAL IMPLICATIONS:

The County's approved 2018 Policing Budget reflects total user fee revenues of \$57,000. This represents less than 1% of the contracted OPP Policing costs budgeted for 2018 (\$7.4 M). This user fee revenue has decreased over time given the OPP's use of the Provincial Schedule of Fees which does not reflect full cost recovery. As a result, the general taxpayer is subsidizing more of the costs of these user specific services.

It should be noted that the County directly bills and collects the False Alarm Response Program fees while some of the OPP user fees are remitted to the policing related user fees and charges are collected by the OPP and remitted to the County on a monthly basis, while others are part of the annual billing reconciliation process.

STAKEHOLDER IMPACTS:

Using information supplied by the OPP, County staff will process the billing and collect the fees for false alarm responses.

ATTACHMENTS:

1. Haldimand County Police Services Board By-law #16/13
2. Haldimand County Police Services Board By-law #17/13
3. OPP Schedule of Fees, effective July 1, 2018
4. Amended False Alarm Response Program By-law

BY-LAW NO. 16/13
OF
THE HALDIMAND COUNTY POLICE SERVICES BOARD

Being a by-law to impose fees and charges for various services and activities provided by the Ontario Provincial Police, Haldimand County Detachment, on behalf of the Haldimand County Police Services Board, and to repeal By-law No. 15/11.

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, provide various services to the public for which a specific user fee or charge can be imposed;

AND WHEREAS Section 6.3.6 of the OPP orders, outlines various rates and fees that could be charged for certain policing services;

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

AND WHEREAS it is deemed necessary to update the fees applicable to municipal policing services for the Haldimand County Police Services Board;

AND WHEREAS the Haldimand County Police Services Board has approved a separate by-law for fees and charges related to response to false alarms at residential, institutional and commercial premises;

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

1. **THAT** the fees and charges attached as Schedule 'A' and forming part of this by-law are hereby established and adopted.
2. **AND THAT** the fees and charges, related to the municipal policing service, shall be collected by the OPP and remitted to Haldimand County on a monthly basis.
3. **AND THAT** By-law 15/11 is hereby repealed.

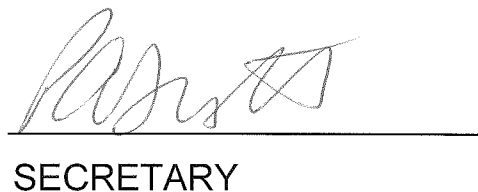
4. **AND THAT** this by-law shall take precedence over any existing by-law that establishes Policing related user fees, save and except the False Alarm Reduction and User Fee By-law.
5. **AND THAT** this by-law is effective January 1, 2014, conditional upon approval by Haldimand County Council.

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

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

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CHAIR

A smaller, stylized handwritten signature in black ink, written over a horizontal line. The signature appears to be "R. Smith".

SECRETARY

16/13
Schedule 'A'

Service Offered	County Fee	HST @ 13%	Total Fee
	\$	\$	\$
Reports/Forms:			
Motor Vehicle Collision/Traffic Report	51.33	6.67	58.00
Motor Vehicle Collision Statement	51.33	6.67	58.00
Technical Traffic Collision Report	569.91	74.09	644.00
Reconstructionist Report	1139.82	148.18	1288.00
Occurrence/Incident Report	51.33	6.67	58.00
RCMP Fingerprint Form (non-criminal)	40.00	N/A	40.00
Clearance/Criminal Record Check (per individual):			
Employment	33.00	N/A	33.00
Non-employment/volunteer	No Charge	N/A	No Charge
- First two (2) requests per year			
Unclaimed Criminal Record Check	30.97	4.03	35.00
Note: The aforementioned Administration Fee shall be applicable after a period of no less than three(3) months from the date of request to the OPP			
Storage of a Firearm, Weapon, Ammunition:			
Prohibitional or conditional surrender			No Charge
Paid Duty (per event):			
Administration Fee	76.11	9.89	86.00
Note: Administration Fee may be waived by the Detach. Commander for a non-profit community event			
Private Function per officer (per hour charge)	Hourly Rate determined by Province		
Non-Profit Event per officer (per hour charge)	Hourly Rate determined by Province		
Wide Load/Over Dimensional Vehicle Escort:			
Administration Fee	76.11	9.89	86.00
Per escort officer (per hour charge)	Hourly Rate determined by Province		
Per escort vehicle (per hour charge)	30.97	4.03	35.00
Funeral Escort:	No Charge	N/A	No charge
Service provided dependent upon available resources	Rate determined by Province		

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;

CS-PSB-02-2018 Attachment 1

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

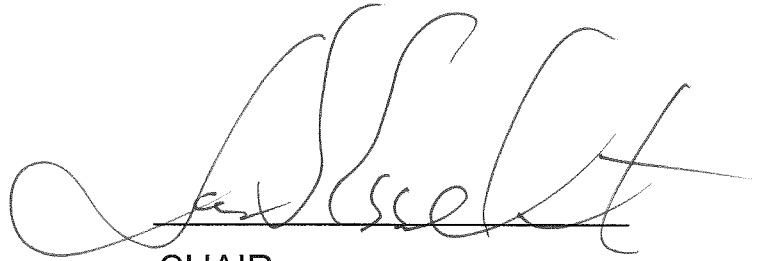
- 5.1 If any term of this by-law or the application thereof shall, to any extent, be invalid or unenforceable, the remainder of this by-law and/or the application of such term to circumstances, other than those to which it is held invalid or unenforceable, shall not be affected thereby and each term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

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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.



SCHEDULE OF FEES* **With Harmonized Sales Tax** **(Effective July 1st, 2018)**

<u>Fee Items</u>	<u>OPP Fee*</u>	<u>HST</u>	<u>Total Fee</u>
Criminal Record, Police Record & Vulnerable Sector Check (Employment)	\$25.00	exempt	\$25.00
Duplicate Copy of Criminal and Police Record Check	4.43	0.57	\$5.00
Criminal Record, Police Record & Vulnerable Sector Check (Volunteer)	No charge		
Fingerprints (OPP charge) Fee Payable to Minister of Finance	\$23.45	\$3.05	\$26.50
Fingerprints (LIVESCAN – on behalf of RCMP) Fee Payable to Minister of Finance	\$25.00	N/A	\$25.00
Occurrence Confirmation Reports/Incident Reports	\$37.39	\$4.86	\$42.25
Statements	\$37.39	\$4.86	\$42.25
Technical Traffic Collision Reports	\$500.00	\$65.00	\$565.00
Reconstructionist Report	\$1,000.00	\$130.00	\$1,130.00
<u>PAID DUTY RELATED FEES</u>			
Payable to Minister of Finance (Provincial in Nature)			
Administrative Fee (note 1)	\$60.62	\$7.88	\$68.50
Hourly Vehicle Usage Fee (note 1)	\$25.00	\$3.25	\$28.25

*A review of the Schedule of Fees is underway; OPP fees are subject to change.

BY-LAW NO. /18
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, relating to reduction of property based False Alarms, and to repeal By-Law 17/13

WHEREAS pursuant to Section 391 of the *Municipal Act*, S.O. 2001, c.25 as amended, a municipality and a local board, including 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 or on behalf of it;

AND WHEREAS the Ontario Provincial Police, Haldimand County Detachment, hereinafter referred to as 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 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 the Haldimand County Police Services Board previously passed By-law No. 04/05 with subsequent amendments most recent of which was By-law 17/13, related to the response to property based False Alarms;

AND WHEREAS the Haldimand County Police Services Board deems it expedient to repeal and replace the past by-laws 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 hereby enacts as follows:

PART I DEFINITIONS

1.1 In this by-law:

- 1.1.1 "ALARM" is any 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" 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".
- 1.1.3 "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", 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.
- 1.1.4 "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.
- 1.1.5 "AT FAULT 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.
- 1.1.6 "NO FAULT FALSE ALARM" means any signal from a security alarm system that prompts a police response to a premises where the responding officer finds evidence of a criminal offence or an emergency, including:
 - i) an unauthorized entry into a building, structure or premise, including an attempted or completed criminal act;
 - ii) an act beyond the control of the alarm business or alarm system owner, including an alarm activated by exterior atmospheric conditions, severe weather or major power disruption; or
 - iii) any other valid emergency situation occurring at, or in relation to, the premise.

1.1.6 "POLICE SERVICE" shall mean the Ontario Provincial Police (OPP).

PART II CHARGES FOR FALSE ALARMS

- 2.1 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.
- 2.2 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 III COLLECTION OF FALSE ALARMS FEES AND CHARGES

- 3.1 The OPP shall provide Haldimand County administration staff with 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.
- 3.2 Fees and charges shall be invoiced and collected by Haldimand County, in accordance with the established County Accounts Receivable procedures.
- 3.3 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 as provided for in the *Municipal Act, 2001*.
- 3.4 Service charges and interest may also be collected in addition to fees and charges imposed pursuant to the provisions of this by-law.

PART IV PARTIAL INVALIDITY

- 4.1 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 V ENACTMENT

- 5.1 The short title of this by-law is the False Alarm Reduction and User Fee By-Law.
- 5.2 By-Law 17/13 is hereby repealed
- 5.3 This By-Law shall be effective January 1, 2019, conditional upon approval by Haldimand County Council.

READ a first and second time this 24th day of October, 2018.

READ a third time and finally passed this 24th day of October, 2018.

CHAIR

SECRETARY

Schedule 'A'

Description	Fee (HST Exempt)
Police response to "At Fault" False Alarm (for every second and subsequent response per calendar year)	\$125 per response