

**BY-LAW NO. 18/18**

**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**

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**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 24<sup>th</sup> day of October, 2018.

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

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CHAIR

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SECRETARY

**Schedule 'A'**

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