

The Corporation of the Township of Southgate

Police Service Board

By-law Number 2022-01

Being a by-law to impose fees for services provided by the Ontario Provincial Police, Grey County Detachment on behalf of the Corporation of the Township of Southgate Police Services Board relating to the reduction of false security alarms

Whereas pursuant to Section 391 of the Municipal Act, 2001, as amended, (the Act), 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 pursuant to Section 391 of the Act, and

Whereas Section 398(2) of the Act, provides for the addition of fees and charges imposed by the municipality or local board, respectively, to the tax roll for the following property in the local municipality and to collect them in the same manner as municipal taxes: and property for which all the owns are responsible for paying the fees and charges; and

Whereas Section 345 of the Act authorizes the Council of a local municipality to establish: penalty and interest charges, notice as to time and notice of payment, payment of installments and options; and

Whereas the number of false alarms in the Township of Southgate, hereinafter referred to as the Township, 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 Police Service Boards and Municipalities across Ontario are seeking to address false alarms and decrease related calls for service; and

Whereas the Township of Southgate Police Service Board deems it expedient to pass a by-law relating to the reduction of false security alarms and to impose fees for services provided by the OPP,

Now Therefore Be it Resolved That the Corporation of the Township of Southgate Police Service Board hereby enacts as follows:

1. Definitions

- 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.
- 1.2. "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", 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. "Board" shall mean the Township of Southgate Police Service Board.
- 1.6. "False Alarm" means any signal from a security alarm system that is reported to the police service, resulting in a false dispatch that is caused by:
- a) the testing of an alarm without police knowledge and approval;
 - b) alarms caused by the negligence or carelessness of the Alarm Business, the Alarm System Owner or alarm user;
 - c) alarms activated due to mechanical failure or improper installation; and/or
 - d) alarms activated by internal or external atmospheric conditions, vibrations, or power surges.
- 1.7. "Police Service" shall mean the Ontario Provincial Police (OPP), of the Police Service specifically contracted by the Township of Southgate to provide Policing Services.

2. Fees for False Alarms

- 2.1. Where there is a OPP response to a false alarm, the alarm system owner shall be responsible for the fee as set out in the Township of Southgate Fees and Charges By-law and as follows:
- \$50.00 for the first; and
 - \$100.00 for the second within twelve months of the first; and
 - \$200.00 for the third within twelve months of the first; and
 - Fourth and subsequent false alarms within a twelve-month period of the first shall require a notice, including a written report from the OPP concerning the incident, to be mailed by regular mail to the alarm holder and the registered title owner of the property at least 15 days before the Board meets to determine the issue. The alarm holder or the registered title owner, or a duly appointed agent, shall be entitled to address the Board in writing or in person at the meeting. If the alarm holder or the registered title owner is unable to satisfy the Board that a false alarm did not occur, the Board shall proceed to impose a fee in the amount of \$300.00 for the fourth false alarm within twelve months. The fee shall increase by \$100.00 per incident for the fifth and subsequent false alarm within twelve months of the first at fault alarm. If the alarm holder or the registered owner does not appear at the meeting, the Board may proceed in their absence.
- 2.2. An Alarm shall not be classified as a False Alarm, if, within forty-eight (48) hours of the police service response, the Alarm System Owner or an Alarm Business furnishes evidence to the police service that the Alarm was caused by:
- a) an unauthorized entry or attempted unauthorized entry into the building, structure or facility;
 - b) an extraordinary circumstance as determined by the police service Detachment Commander.

3. Collection of False Alarm Fees

- 3.1. The police service shall provide Township of Southgate Finance staff 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.
- 3.2. Fees shall be invoiced and collected by Township of Southgate, in accordance with the Accounts Receivables established processes and procedures. Invoices shall be printed and mailed to the alarm system owner
- 3.3. Township of Southgate will take appropriate steps as provided for in the Municipal Act, to collect outstanding false alarms fees.

4. Automatic Dialing Alarm

- 4.1. Automatic Dialing Alarms causing "At Fault" False Alarms requiring response by the OPP shall be subject to the fees as set out in The Township of Southgate Fees and Charges By-law.

5. Appeals

- 5.1. The premises' owner/occupier may appeal the validity of a determination that an alarm was false by submitting an appeal form or letter in writing, and the prescribed appeal fee to the Board within thirty (30) days of the date of the invoice.
- 5.2. The prescribed appeal fee is included in the Township of Southgate Fees and Charges By-law. The fee is refundable upon success of a submitted appeal.
- 5.3. The Board shall review the appeal within sixty (60) days after the appeal is filed.
- 5.4. The Board shall decide upon affirmation or the reversal of the assessment of the fees.
- 5.5. The decision by the Board shall be final and conclusive for all purposes.
- 5.6. Upon conclusion the Board shall notify the Alarm System Owner and the Township of Southgate in writing of the decision.

6. Severability

- 6.1. Each and every one of the foregoing provisions of this by-law is severable and if any provisions of this by-law should, for any reason, be declared invalid by any court, it is the intention and desire of this council that each and every one of the then remaining provisions shall remain in full force and effect.

7. Short Title

- 7.1. This by-law shall be referred to as the "False Alarm By-law."

8. Enactment

- 8.1. This By-law shall be effective April 6, 2022, conditional upon approval by the Township of Southgate Council.

Read a first, second and third time and finally passed this 15th day of March, 2022.

Police Service Board Chair

Police Service Board Secretary