

**The Corporation of the
Township of Selwyn**

By-law No. 2019-078

**A By-law to Reduce False Alarms that Require the
Deployment of Police Resources within the
Smith and Ennismore Wards of the Municipality of Selwyn**

Whereas the purpose of this By-law is to reduce the number of false alarms requiring the deployment of police resources within the areas of the Municipality of Selwyn that are serviced by the Ontario Provincial Police;

And Whereas Council for the Municipality of Selwyn is desirous of discouraging the incidents of such false alarms in an effort to ensure that police resources are used in as efficient and productive manner as possible;

And Whereas the Municipal Act, 2001, S.O. 2001, c. 25, as amended provides that a municipality and a local board may 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 for costs payable by it for services or activities provided or done by or on behalf of any other municipality or local board and for the use of its property including property under its control;

And Whereas the Municipal Act, 2001, S.O. 2001. c. 25, as amended, provides that a municipality may regulate matters not specifically provided for by this Act, or any other Act for purposes related to the health, safety and well-being of the inhabitants of this municipality;

And Whereas the Municipal Act, 2001, S.O. 2001, c. 25, as amended, permits a local municipality to direct that where an owner has defaulted, the municipality may have the default remedied at the owner's expense and add the cost to the tax roll;

And Whereas this By-law shall repeal and replace By-law 2004-72, being a By-law to reduce False Alarms that require the deployment of police resources within the Smith and Ennismore Wards of the Township of Smith-Ennismore-Lakefield.

Now Therefore the Council the Corporation of the Township of Selwyn enacts as follows:

1. In this By-law, unless the context otherwise specifies:
 - (1) "alarm" means any mechanical or electrical device which is designed or used for the detection of unauthorized entry into any building, structure, facility or vehicle or for alerting others to the commission of an unlawful act, or both, and which emits a sound or transmits a signal or message when activated.
 - (2) "alarm system" means an alarm or all alarms which:
 - (i) are installed on or in real property; and
 - (ii) can be turned on or off independently of other alarms from an operating control
 - (3) "automatic calling device" means a device, or combination of devices, that will, upon activation, either mechanically, electronically or by any other automatic means initiate a telephone or recorded message which is designed to be transmitted over regular telephone lines.
 - (4) "false alarm"
 - (a) includes but is not limited to an alarm activated unnecessarily, or improperly, resulting in a police response and includes:

- (i) the testing of an alarm without notifying the Detachment Commander or his designate; and/or
- (ii) an alarm actually or apparently activated by mechanical malfunction or faulty equipment; and/or
- (iii) an alarm activated accidentally by the owner or occupier of the premises, his agent or employee; and/or
- (iv) an alarm reporting an attempted or completed criminal offence or an emergency situation occurring on or in relation to the premise in which the alarm device or system is installed where no evidence exists that any such event took place.

(b) but does not include:

- (i) any alarm which the owner can demonstrate was actually caused by the act of some person other than:
 - (a) the owner, occupier, agents, employees, independent contractors or any other person subject to the direct or indirect control of the owner
 - (b) the person who installed, connected, operated, maintained, or services the alarm system, or
 - (c) the manufacturer of the alarm system, including the manufacturers officers, agents and employees, independent contractors or any person subject to the direct or indirect control of the manufacturer
- (iii) a device that is installed in a vehicle.

(5) "Police" means the Ontario Provincial Police contracted by the Municipality of Selwyn to provide police services

2. No person shall install, maintain or use an automatic calling device designated to transmit a message to the Police.
3. Every alarm holder and/or the registered title owner shall:
 - (a) supply the 911 emergency services address to the alarm monitoring company to aid in the speedy location of the premises;
 - (b) be available at any time to receive calls from a member of the Police in respect of an alarm;
 - (c) be capable of obtaining or allowing access to the premises where the alarm is located;
 - (d) attend the premises, or have a keyholder attend the premises where the alarm is located within thirty (30) minutes of being requested to do so by a member of the Police following the activation of the alarm; and
 - (e) identify, where there is more than one alarm system within a building, which alarm system has experienced an activation of an alarm.
 - (f) supply the detachment commander with the alarm monitoring company phone number and address.
4. The agency having the responsibility of monitoring alarms, shall verify by suitable means, the validity of an alarm received at the monitoring location prior to contacting the Police for a response.
5. Every alarm holder and/or every registered title owner who causes or permits to be caused a false alarm as defined under Section 1 (4) of this By-law will, for the first false alarm, receive a warning notice. For each false alarm following the first false alarm, a letter from the alarm holder and/or the registered title owner, or the alarm company which installed the system, shall be submitted to the Municipality of Selwyn summarizing the steps that have been taken to curb the problem, and in

addition Municipal Inspection fees as set out in the Township of Selwyn Tariff of Fees By-law, as amended, shall be paid to the Municipality;

The determination of the number of false alarms for the purposes of calculating the above noted fees will be based on the total number of false alarms in the twelve month period immediately preceding the last false alarm.

6. Where a fee is charged in accordance with Section 5 of this By-law, the Township of Selwyn will invoice the alarm holder and/or registered title owner of the real property for the response for service. For any payments that remain unpaid sixty (60) days following notification of the amounts owing, the Corporation shall have the right to collect any unpaid costs, including interest, as authorized by this By-law, by adding such charges to the tax roll where they may be collected in a like manner as municipal taxes.
7. This By-law is applied commencing from the first reported false alarm as defined under Section 1(4) of this By-law.
8. This By-law shall be applied to the Wards of Smith and Ennismore in the Township of Selwyn which are serviced by the Police.
9. If any section or part of this By-law is found to be illegal or beyond the power of the Municipality of Selwyn to enact, such section or part of this By-law shall be deemed to be separate and independent therefrom and to be enacted as such.
10. That this By-law shall repeal and replace By-law 2004-72, being a By-law to reduce False Alarms that require the deployment of police resources within the Smith and Ennismore Wards of the Township of Smith-Ennismore-Lakefield.
11. This By-law shall come into force and effect immediately after the final passing hereof.

Read a First, Second and Third time and finally passed this 10th day of September, 2019.


Andy Mitchell, Mayor


Angela Chittick, Clerk

Corporate Seal