

**THE CORPORATION OF THE TOWNSHIP OF SMITH-ENNISMORE-LAKEFIELD**

**BY-LAW NO. 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**

**WHEREAS** the purpose of this By-law is to reduce the number of false alarms requiring the deployment of police resources within the Wards of the Township of Smith-Ennismore Lakefield that are serviced by the Peterborough County O.P.P.;

**AND WHEREAS** Section 391 of the Municipal Act 2001, S.O., 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** Section 130 of 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;

**NOW THEREFORE** the Council the Corporation of the Township of Smith-Ennismore Lakefield **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"
  - (a) 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"
  - (a) 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
  - (ii) a device that is installed in a vehicle.
2. No person shall install, maintain or use an automatic calling device designated to transmit a message to the Peterborough County O.P.P.
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 Peterborough County O.P.P. 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 Peterborough County O.P.P. 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 Peterborough County O.P.P. 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 second false alarm receive a warning notice. For each false alarm following the second 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 Township of Smith-Ennismore Lakefield summarizing the steps that have been taken to curb the problem, and in addition the following fees shall be paid to the Township of Smith-Ennismore Lakefield;
- 5.1 \$100.00 for the 3<sup>rd</sup> false alarm
  - 5.2 \$100.00 for the 4<sup>th</sup> false alarm
  - 5.3 \$150.00 for each false alarm after the 4<sup>th</sup> false alarm

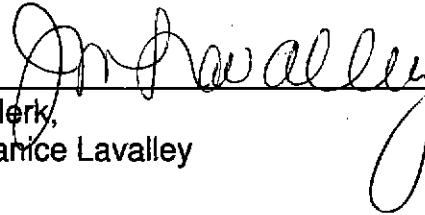
The determination of the number of false alarms for the purposes of calculating the above noted fees will be based on the total number of false alarms in the twelve month period immediately preceding the last false alarm.

6. Where a fee is charged in accordance with Section 5 of this By-law, the Township of Smith-Ennismore-Lakefield will invoice the alarm holder and/or registered title owner of the real property for the response for service.
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 the Township of Smith-Ennismore-Lakefield that are serviced by the Peterborough County O.P.P.
9. This By-law shall become effective on October 1, 2004.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 17<sup>th</sup> DAY OF AUGUST, 2004.



Reeve,  
Ron Millen



Clerk,  
Janice Lavalley

Corporate Seal

