



BY-LAW NO. 302-2010

**A BY-LAW TO PROVIDE FOR THE IMPOSITION OF CHARGES
FOR POLICE RESPONSE TO FALSE ALARMS**

1. PREAMBLE

- 1.1 WHEREAS the Regional Municipality of Niagara Police Services Board is responsible for the provision of police services and for law enforcement and crime prevention in the Regional Municipality of Niagara;
- 1.2 AND whereas false alarms attract emergency response from the police service;
- 1.3 AND whereas police response to false alarms at institutional, commercial and residential premises results in delay of police response at genuine emergencies and results in a serious loss of police resources;
- 1.4 AND whereas section 391(1) of the *Municipal Act, S.O. 2001, c.25*, as amended (the 'Act'), provides that a local board may pass by-laws imposing fees or charges on any class of persons for, inter alia, services or activities provided or done by on behalf of it;
- 1.5 AND whereas section 397 of the *Municipal Act, S.O. 2001, c.25*, and amendments thereto, requires that the Regional Municipality must pass a resolution approving the said by-law before it comes into force.

NOW THEREFORE THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICES BOARD ENACTS AS FOLLOWS:

2. DEFINITIONS

- 2.1 "*Alarm Company*" means the business, by an individual, partnership, corporation, or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, installing or monitoring an alarm system at an alarm site;
- 2.2 "*Alarm System*" means any device which is used for the detection of a criminal act or unauthorized entry into a building, structure or facility and which when activated emits a sound or transmits a signal or message to an alarm business and includes bank automated teller machines;
- 2.3 "*Alarm System Owner*" means the owner or lessee of a building, structure or facility that has an alarm system;
- 2.4 "*Alarm System Registration Number*" means the number assigned to an alarm system by the Regional Municipality of Police Services Board;

- 2.5 "Board" means the Regional Municipality of Niagara Police Services Board;
- 2.6 "False Alarm" means any signal from an alarm system that is reported to the Niagara Regional Police Service that is not caused by:
- (i) an unauthorized entry into a building, structure or facility; or
 - (ii) an act of a person other than the alarm business or alarm system owner, including any of its agents;
- 2.7 "Finance Unit Manager" means the Manager of the Finance Unit of the Niagara Regional Police Service or his or her delegate;
- 2.8 "Owner" means a person who has any proprietary interest in an alarm business, including but not limited to, partners in a partnership and shareholders in a corporation;
- 2.9 "Police Response" includes any means of answering a call for police service which involves the attendance of a police officer at the scene of an alarm;
- 2.10 "Service" means the Niagara Regional Police Service.

3. REGISTRATION OF ALARM SYSTEMS

- 3.1 The Alarm Company shall register every Alarm System it is responsible for installing and/or monitoring with the Board through the Finance Unit Manager.
- 3.2 The Alarm System Owner is responsible for ensuring the Alarm Company registers any installed and/or monitored Alarm System in which it has an interest with the Board through the Finance Unit Manager.
- 3.3 The Alarms System Owner shall register any unmonitored Alarm System in which it has an interest with the Board through the Finance Unit Manager.
- 3.4 The Finance Unit Manager shall assign each registered Alarm System an Alarm System Registration Number.
- 3.5 The Alarm Company shall notify the Finance Unit Manager of any cancellations or changes of every Alarm System that it monitors.

4. CHARGES FOR FALSE ALARMS

- 4.1 Where there is a Police Response to a False Alarm, the Alarm System Owner shall be responsible for a fixed charge of \$50.00 per False Alarm attendance.
- 4.2 An alarm shall not be classified as a False Alarm, if, within forty-eight (48) hours of the police response, the Alarm System Owner or an Alarm Business furnishes evidence to the Finance Unit Manager 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;
 - (iii) an extraordinary circumstance as determined by the Finance Unit Manager.
- 4.3 The Director of Information and Technology shall ensure that every incident of police response to False Alarm is reported to the Finance Unit Manager.

5. COLLECTION OF FALSE ALARMS

- 5.1 The Finance Unit Manager shall invoice the Alarm System Owner for a charge under section 4.1 of this By-law.
- 5.2 Fees and charges imposed pursuant to the provisions of this By-law shall be paid forthwith to the Board upon receipt of the invoice from the Finance Unit Manager referred to in section 4.1 above.
- 5.3 Fees and charges imposed pursuant to the provisions of this By-law that remain outstanding ninety (90) days after the date of an invoice shall be referred to a collection agency.
- 5.4 Fees and charges that are referred to a collection agency and are unpaid shall accrue interest at a rate of two percent (2%) per month.

6. PARTIAL INVALIDITY

- 6.1 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.

7. IMPLEMENTATION

- 7.1 By-law No. 268-2004, as amended, and all other By-laws, sections of By-laws and policies of the Board inconsistent with the provisions of this By-law are hereby repealed.
- 7.2 This By-law shall come into force upon the date that it is approved by Council of the Regional Municipality of Niagara.
- 7.3 The short title of this By-law is the False Alarm User Fee By-law.

ENACTED AND PASSED this 26th day of August, 2010.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICES BOARD

Chairperson



Executive Director


