

The Corporation of the Municipality of Brockton



By-Law 2022-043

Being a By-Law to Impose Fees for At Fault False Alarm Calls for Service within the Municipality of Brockton.

Whereas the *Municipal Act S.O. 2001, c 25, Section 391*, as amended provides that 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;

And Whereas the *Municipal Act S.O. 2001, c 25, Section 398(2)*, as amended, 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 collect them in the same manner as municipal taxes: any property for which all the owners are reasonable for paying the fees and charges;

And Whereas the number of false alarms in the Municipality of Brockton has been identified as consuming a significant quantity of Police Service resources, which could be better directed to enhancing police presence in the community through the reduction of false alarms.

Now Therefore the Council of The Corporation of the Municipality of Brockton enacts as follows;

1.0 Definitions

- 1.1 “Alarm System” means any device which, when activated transmits a signal –audible, visual, or by other means, to alert a person(s) to the activation.
- 1.2 “Alarm System Owner” mean the owner, occupant or lessee of a building, structure or premise that has an alarm system or the lessee of an alarm system;
- 1.3 “At Fault False Alarm” is any alarm signal activated unnecessarily, or improperly, or for a purpose other than that for which the alarm device or system is installed resulting in police response and includes:
 - a) testing of an alarm without prior notification to the alarm company;
 - b) an alarm actually or apparently activated by mechanical failure, malfunction or faulty equipment; or,
 - c) an alarm activated by alarm company or owner negligence or carelessness.

~~1.4 “Board” means the Brockton Police Services Board;~~

~~1.5~~1.4 “Council” means the elected Council for the Municipality of Brockton;

~~1.6~~1.5 “Municipality” means the Corporation of the Municipality of Brockton;

~~1.7~~1.6 “No Fault Alarm” means an alarm triggered by emergency situations, natural causes or conditions beyond the control of the alarm holder including but not limited to, atmospheric conditions, excessive vibrations or extended power failure;

~~1.8~~1.7 “Police Service” means the Ontario Provincial Police or ~~a police service maintained by a police service board~~ any other police service as authorized by Council;

2.0 False Alarm Reduction

- 2.1 The Alarm System Owner and the registered title owner of a property containing an alarm system which causes an At Fault False Alarm occurrence and a response or responses by the Police Service shall be jointly liable to pay the Municipality fees as outline In the Municipality of Brockton’s Fees and Charges By-Law, as amended.
- 2.2 Where there is a Police Service response to an At Fault False Alarm occurrence, the Municipality shall upon receipt of the data analysis report:

- a) On the first At Fault False Alarm occurrence, provide the Alarm System Owner education of the by-law and may impose a fee as set out in the Municipality's Fees and Charges By-Law;
- b) On the second At Fault False Alarm occurrence within a twelve (12) month period at the same premises, a written notice shall be sent to the alarm system owner and the registered title owner of the property and shall impose a fee as set out in the Municipalities Fees and Charges By-Law;
- c) On the third and subsequent At Fault False Alarm occurrence within a twelve (12) month period of the last occurrence at the same premises, a fee shall be imposed as set out in the Municipalities Fees and Charges By-Law and increase per incident for the fourth and subsequent At Fault False Alarm occurrence.
- e)d) An at Fault False Alarm shall be deemed to be a first occurrence provided that there has been a period of at least twelve (12) consecutive months from the date of the last occurrence.

3.0 Appeal

- 3.1 Alarm System Owners may appeal to the ~~Board~~ Municipality within thirty (30) days from the date of the invoice by submitting a letter to ~~the Board~~ Council for a written decision waving the fee if:
 - a) The Alarm System Owner can satisfy ~~the Board~~ Municipality that the system was malfunctioning during one or more of the false alarms attended by the Police Service, or;
 - b) The Alarm System Owner can demonstrate in writing signed by an approved alarm monitoring station or alarm company that significant corrective action was taken to repair or replace a faulty or inadequate alarm system.
- 3.2 ~~The Board~~ The Municipality shall review the appeal within sixty (60) days after the appeal is filed.
- 3.3 Upon conclusion ~~the Board~~ the Municipal shall notify the Alarm System Owner ~~and the Municipality~~ in writing of the decision.

4.0 Collection of At Fault False Alarm Fees

- 4.1 The Municipality shall be provided with a data analysis report outlining the At Fault False Alarm occurrences for administration of this By-Law. The data analysis report is to include sufficient information related to the occurrence of the At Fault False Alarm and the Alarm System Owner.
- 4.2 The frequency of submissions of the data analysis report to the Municipality will be considerate of section 2.2 of this By-Law and at a minimum provided on a Monthly basis for ensuring the Municipality can provide the required notice in a timely manner to the Alarm System Owner.
- ~~4.3 The Municipality shall provide written notice to the Board if the data analysis report is not received as outlined in section 4.2.~~
- 4.4.3 Fees not paid from which no appeal has been commenced within the applicable time shall be added to the tax roll in accordance with the terms of Section 398 of the *Municipal Act, 2001, S.O. 2001, c.25*.

5.0 Validity

- 5.1 The provisions of this By-Law are severable and if any provisions of this By-Law should, for any reason, be declared invalid or unenforceable by any court, the remaining provisions of the By-Law shall remain in full force and effect and be interpreted in such a manner as the context permits in order to carry out their intent.

6.0 Administration

- 6.1 This By-Law shall be administered by the By-Law Enforcement Officer and his or her designate and the Treasury Department of the Municipality.

7.0 This By-Law shall come into full force and effect upon final passage.

8.0 This By-Law may be cited as the "False Alarm By-Law".

Read, Enacted, Signed and Sealed this 22nd day of March, 2022.

Original Signed By
Mayor – Chris Peabody

Original Signed By
Director of Legislative and Legal Services (Clerk) –
Fiona Hamilton

