

**The Corporation of the
Township of Smith-Ennismore-Lakefield**

By-Law No. 2010-062

**Being a By-law to Reduce False Alarms that Require the Deployment of
Fire and Rescue Resources
Within 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 fire and rescue resources within the Township of Smith-Ennismore-Lakefield;

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 11 (2) (6) of the Municipal Act 2001, S.O. 2001, C.25, as amended, provides that a lower tier municipality may pass By-laws respecting the health, safety and well-being of the inhabitants of this municipality;

Now Therefore the Council of 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 or warning of a fire in any building, structure, or facility or for alerting others to the detection of a fire, 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; and
 - (iii) are designed to issue a warning of a fire by activating an audible alarm signal or alerting a monitoring service but does not include a fire alarm system that is intended to alert only the occupants of a single family dwelling unit.
 - (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 fire response and includes:
 - (i) the testing of an alarm without notifying the Fire Chief 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 emergency situation occurring on or in relation to the premise in which the alarm device or system is installed where there is no evidence of fire, fire damage or smoke.

(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 or 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.

(5) "maintenance"

- a) a responsible party shall ensure at all times that the Alarm System is maintained in good working order and that any users of the Subject Premises are kept fully apprised of the operation of the alarm.

2. No person shall install, maintain or use an automatic calling device designated to transmit a message to the Township of Smith-Ennismore-Lakefield Fire Department.

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 Township of Smith-Ennismore-Lakefield Fire Department 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 key holder attend the premises, where the alarm is located within thirty (30) minutes of being requested to do so by a member of the Township of Smith-Ennismore-Lakefield Fire Department following the activation of the alarm;
- (e) identify, where there is more than one alarm system within a building, which alarm system has experienced an activation of an alarm; and
- (f) supply the Fire Chief with the alarm monitoring company phone number and address.

4. If an alarm owner has installed a lock-box in an accessible location at the building and the Fire Department has been given access to the lock box, and if that lock-box contains current keys or codes to provide access to the building, a person or key holder does not have to be present to satisfy the access requirements as set out in subsection 3(d).

5. In the event an alarm owner or key holder is unable to attend the premises within the 30 minute time frame, and /or circumstances of the incident warrant immediate entry, fire department personnel will enter and investigate the premises. In the event fire Department personnel cause forced entry to the premises due to a false alarm, all costs incurred to secure the building will be the responsibility of the alarm owner.

6. 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 Fire Department summarizing the steps that have been taken to curb the problem, and in addition fees shall be paid to the Township of Smith-Ennismore-Lakefield in accordance with Schedule A attached hereto and forming part of this By-law. Each automatic fire alarm is considered an 'all call' for the fire department. This deems that all fire department apparatus and personnel are to respond to the incident.
7. 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.
8. Where a fee is charged in accordance with Section 6 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, and they shall be liable for the costs set out in Schedule A to respond to the said false alarm incident, at which time the costs will be calculated in accordance with the current MTO fee for service formula. The cost schedule, attached hereto as Schedule A, will be revised from time to time by the Council of the Township of Smith-Ennismore-Lakefield. The rate and rate increases for the MTO fee for service is based on the Consumer Price Index.
9. All unpaid amounts owing by any person to the Township pursuant to this By-law accrue interest at the rate of 24% per annum, calculated monthly, and such amounts shall be paid and collected as set out in Section 8 of this By-law. Interest as set out herein shall be payable 30 days following issuance of an invoice by the Township for the fees owing pursuant to this By-law.
10. The Corporation shall, if such amounts remain unpaid sixty (60) days following notification of the amounts owing, 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, all of which is in accordance with Section 398. of the Municipal Act, 2001, c. 25, as amended.
11. This By-law is applied commencing from the first reported false alarm as defined under Section 1(4) of this By-law.
12. Upon the passage of this By-law, By-law 2004-73 and all amendments thereto shall be repealed.
13. This By-law shall become effective on the date of passage.

Read a First, Second And Third Time and Finally Passed This 24th Day Of August, 2010.



Reeve,
Ron Millen



Clerk,
Angela Chittick

Corporate Seal

Schedule "A"
Fees, Interest and Penalties

In accordance with By-law 2010-062, the following fees, interest and penalties shall apply where the attendance by the Fire Department or Fire Department Personnel is required to respond to a False Alarm.

Section A - Costs:

1. As per amended MTO fee for service rate per truck for the first hour or portion thereof the following costs shall apply:
 - 3rd false alarm – 2 times the current MTO hourly rate
 - 4th false alarm - 4 times the current MTO hourly rate
 - Each false alarm after the 4th false alarm – 8 times the current MTO hourly rate

Note: fees are based on two (2) trucks.

Section B – Interest and Penalties

1. All unpaid amounts owing by any person to the Township pursuant to this By-law accrue interest at the rate of 24% per annum, calculated monthly, and such amounts shall be paid and collected as set out in Section 8 of this By-law. Interest as set out herein shall be payable 30 days following issuance of an invoice by the Township for the fees owing pursuant to this By-law.

Section C – Current Ministry of Transportation Rates

1. As of date of passage - \$350 per hour
2. As of October 1, 2010 - \$410 per hour