

CORPORATION OF THE TOWN OF HAWKESBURY

By-law N° 11-2019

**By-law to impose fees and charges for false
alarms in the Town of Hawkesbury**

WHEREAS Subsection 11 (1) of the *Municipal Act, 2001*, as amended (the “Act”) provides that a lower-tier municipality and an upper-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public, subject to the rules set out in subsection;

AND WHEREAS Subsection 11 (2) of the Act provides that a lower-tier municipality and an upper-tier municipality may pass by-laws, subject to the rules set out in subsection (4), respecting among other things to health, safety and well-being of persons;

AND WHEREAS Subsection 391 (1) (a) of the Act authorizes a municipality to impose fees or charges on persons for services or activities provided or done by or on behalf of it;

AND WHEREAS the Municipal Council of the Corporation of the Town of Hawkesbury, under the provisions of the *Fire Protection and Prevention Act, 1997*, has established a fire department within the Town of Hawkesbury.

NOW THEREFORE, the Council of the Corporation of the Town of Hawkesbury enacts as follows:

1. Definitions

For the purpose of this by-law:

- 1.1. "Alarm Incident" means the activation of a Fire Alarm System and the direct or indirect reporting of the activation to the Fire Department;
- 1.2. "Alarm Monitory Service" 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 device and reporting the occurrence of alarms to the Fire Department;
- 1.3. "False Alarm" means an Alarm Incident where there is no evidence that a fire occurred to a building, structure or premises and includes, but is not limited to:
 - 1.3.1. the activation of a Fire Alarm System during its testing;
 - 1.3.2. a Fire Alarm System activated by mechanical failure, malfunction or faulty equipment;
 - 1.3.3. a Fire Alarm System activated by atmospheric conditions, vibrations or power failure;
 - 1.3.4. a Fire Alarm System activated by user error; of

- 1.3.5. failure to maintain the system as prescribed by the *Fire Code* being O. Reg 213/07, as amended under the *Fire Protection and Prevention Act, 1997*, as amended.
- 1.4. "Fire Alarm System" means an assembly of mechanical or electrical devices which is designed or used for:
 - 1.4.1. the detection of fire or smoke in a building, structure or premises and which emits sound or transmits a sound, signal or message when activated; or
 - 1.4.2. the transmission of a manually activated emergency signal to a fire Alarm Monitoring Service.
- 1.5. "Fire Chief" means the Fire Chief of the Corporation of the Town of Hawkesbury, or his or her designate;
- 1.6. "Fire Department" means the Town of Hawkesbury fire department, and includes all employees, staff, appointed officers working for it, and also employees of the fire department dispatch services;
- 1.7. "Occupant" means any person or persons in possession or who appear to be in possession of the Property, and shall include the tenant(s) of a property;
- 1.8. "Owner" means a person, persons, individuals, or a corporation(s) who are the legal and registered owner or owners of a property;
- 1.9. "Property" means the property defined by the municipal address and includes buildings or structures or part of a building or structure and the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, and out-buildings;
- 1.10. "Town" means the Corporation of the Town of Hawkesbury.

2. Application

- 2.1. **THAT** this By-law shall apply to all Property within the jurisdiction of the Town.

3. Administration

- 3.1. The Fire Chief is responsible for the administration of the By-law on behalf of the Town, including the review of applications for False Alarm fee rebates.

4. Responsibilities of Owners and Occupants

- 4.1. Every Owner and Occupant of Property shall be responsible for the proper use, installation, maintenance and operation of any Fire Alarm System installed on or in the Property in order to ensure the prevention of False Alarms.
- 4.2. Every Owner and Occupant of Property that has a Fire Alarm System shall provide to the Alarm Monitoring Service a current list of at least three persons who will be known as contact persons. The list of contact persons shall include the names, addresses and telephone number of each contact person.

5. Contact persons

- 5.1. The contact persons whose names are provided pursuant to Section 4.2 shall be persons who are:
 - a) Available to receive telephone calls from the Alarm Monitoring Service and/or the Town of Hawkesbury Fire Department in the event of an Alarm Incident;
 - b) Able to attend at the address of the Alarm Incident within a reasonable time frame after the activation of a Fire Alarm system upon the request of the Alarm Monitoring Service on behalf of the Town of Hawkesbury Fire Department;
 - c) Capable of affording the Town of Hawkesbury Fire Department access to the Property where the Alarm Incident occurred; and
 - d) Capable of operating the Fire Alarm System and able to safeguard the Property.

6. False alarm

- 6.1. **THAT** where the Fire Department is required to attend at a building, structure or premises as a result of an Alarm Incident that is a False Alarm, the Fire Chief shall advise the Treasurer of the Town as to the location, name of the Owner including the date of the Alarm Incident.
- 6.2. **THAT** a fee of three hundred dollars (\$300,00) shall be levied against the Owner with respect to the second False Alarm within a twelve (12) month period from the date of the first False Alarm and a fee of one thousand dollars (\$1,000.00) for any False Alarms within this same twelve (12) month period.

- 6.3. **THAT** upon notification of a False Alarm pursuant to the provisions of Subsection 6.1 of this By-law, the Treasurer shall advise the Owner, in writing, of the response by the Fire Department of a False Alarm. The notice shall also state that the next False Alarm within a twelve (12) month period from this first False Alarm is subject to a fee of three hundred dollars (\$300.00) and all other additional False Alarms within this same twelve (12) month period to one thousand dollars (\$1,000).
- 6.4. **THAT** all fees imposed shall become due and payable within thirty (30) days from the date of issue of an invoice by the Town, and any collection costs for fees or charges imposed pursuant to the provisions of this By-law that are due and unpaid shall be added to the outstanding amount including interest charges at a rate of two percent (2%) per month or fraction thereof.
- 6.5. **THAT** any fees or charges imposed pursuant to the provisions of this By-law that remain unpaid may be added to the tax roll for any Property in the Town for which all the Owners are responsible, and may be collected in the like manner as municipal taxes or through the use of other legal means as deemed appropriate.
- 6.6. **THAT** if an Ontario Court of Justice or any court of competent jurisdiction should declare any section or part of a section of this By-law to be invalid, the remaining sections shall remain in effect until repealed.

7. **Effect**

- 7.1. **THAT** this By-law shall come into force and take effect on the date of the passing thereof.

**READ A FIRST, SECOND AND ADOPTED UPON THIRD READING
THIS 11th DAY OF FEBRUARY 2019.**

Paula Assaly, Mayor

Christine Groulx, Clerk