

# CORPORATION OF THE TOWN OF HAWKESBURY

## By-law N° 45-2008

### Being a by-law to impose fees and charges for false alarms in the Town of Hawkesbury

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**WHEREAS** the Municipal Council of the Corporation of the Town of Hawkesbury is responsible for the provision of police services within the Town of Hawkesbury;

**AND WHEREAS** Subsection 391 (1) (a) of the Municipal Council, 2001, as amended, 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 deems expedient to revise By-law N° 89-2002 adopted in 2002 on false alarms.

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

#### DEFINITIONS

1. For the purpose of this by-law:

- a) **"Alarm Incident"** means the activation of a Security Alarm System and the direct or indirect reporting of the activation to the Police Service;
- b) **"Chief of police"** means the Detachment Commander of the Hawkesbury Ontario Provincial Police, or his or her designate;
- c) **"False Alarm"** means an alarm incident where there is no evidence that an unauthorized entry or unlawful act has been attempted or made into, on or in respect of a building, structure or premises and includes, but is not limited to:
  - i) the activation of a security alarm system during its testing;
  - ii) a security alarm system activated by mechanical failure, malfunction or faulty equipment;
  - iii) a security alarm system activated by atmospheric conditions, vibrations or power failure;
  - iv) a security alarm system activated by user error.
- d) **"Owner"** means a person, persons, individuals, or a corporation(s) who are the legal and registered owner or owners of a property, and shall include the tenant(s) of a property;
- e) **"Police Service"** means the Ontario Provincial Police Detachment for the Town of Hawkesbury, the officers working for it, and officers of any detachment of the Ontario Provincial Police;
- f) **"Security Alarm System"** means an assembly of mechanical or electrical devices which is designed or used for:
  - i) the detection of entry into or damage to a building, structure or premises and which emits sound or transmits a sound, signal or message when activated, but does not include a device that is installed in a "motor vehicle" or "motor home" as those terms are defined in the Highway Traffic Act; or
  - ii) the transmission of a manually activated emergency signal to an alarm monitoring company, but does not include a device designed to alert in case of medical emergency.

**FALSE ALARM REDUCTION**

2. **THAT** where the Police Service is required to attend at a building, structure or premises as a result of an alarm incident that is a false alarm, the Chief of Police shall advise the Treasurer of the Corporation of the Town of Hawkesbury as to the location, name of the owner including the date of the alarm incident.
3. **THAT** a fee of one hundred dollars (\$100,00) shall be levied against the owner with respect to every additional false alarm within a twelve (12) month period from the date of the first (1<sup>st</sup>) occurrence.
4. **THAT** upon notification of a false alarm pursuant to the provisions of the Section 2 of this by-law, the Treasurer shall advise the owner, in writing, of the response by the Police Service, and shall also state that any additional false alarms within a twelve (12) month period a fee of one hundred dollars (\$100,00) shall be imposed.
5. **THAT** all fees imposed shall become due and payable within thirty (30) days from the date of issue of an invoice by the Corporation of the Town of Hawkesbury, 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. **THAT** any fees or charges imposed pursuant to the provisions of this by-law shall be added to the tax roll for any real property the year following the year in which the false alarm(s) occurred, and may be collected in the like manner as municipal taxes.
7. **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.
8. **THAT** the owner shall be responsible to repair deficiencies on or malfunctioning of his/her Security Alarm System to avoid repetitive false alarms.
9. **THAT** any owner who fails to repair his/her Security Alarm System is guilty of an offence, and is liable upon conviction to a fine under the *Provincial Offences Act*, and this notwithstanding the fees that may be imposed for each false alarm.
10. **THAT** by-law N° 89-2002 is hereby repealed.
11. **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 23<sup>rd</sup> DAY OF JUNE 2008.**

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**Mayor**

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**Clerk**