

THE CORPORATION OF THE TOWN OF TILLSONBURG

BY-LAW 2021-037

A By-Law to impose fees for services provided by The Ontario Provincial Police, Oxford County Detachment on behalf of The Corporation of the Town of Tillsonburg relating to the reduction of false security alarms and to repeal By-Law 3170.

WHEREAS pursuant to Section 391 of the Municipal Act, 2001, (the Act) as amended, 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 pursuant to Section 391 of the Municipal Act;

AND WHEREAS pursuant to Section 398 (2) of the Municipal Act, S.O. 2001, c.25 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 responsible for paying the fees and charges;

AND WHEREAS Section 345 of the Act authorizes the Council of a local municipality to establish: penalty and interest charges, notice as to time and notice of payment, payment of installments and options;

AND WHEREAS the number of false alarms in the Town of Tillsonburg, hereinafter referred to as the Town, has been identified as consuming a significant quantity of OPP resources, which could be better directed to enhancing police presence in the community through the reduction of false alarms;

AND WHEREAS response to these false alarms interferes with the ability of the OPP to respond to actual emergencies, posing a threat to officer safety and members of the public by creating unnecessary delays;

AND WHEREAS Police Services Boards and Municipalities across Ontario are seeking to address false alarms and decrease related calls for service.

AND WHEREAS the Town of Tillsonburg deems it expedient to repeal and replace the past by-law for fees and charges related to the response to false alarms;

NOW THEREFORE the Town of Tillsonburg hereby enacts as follows:

1. DEFINITIONS

- 1.1. "ALARM" is any signal activated for the legitimate purpose of notification of a criminal act, an attempted criminal act, or any bonafide emergency situation at a premise.
- 1.2. "ALARM BUSINESS" means the business by an individual, partnership, corporation or other entity, which sells, leases, maintains, services, repairs, alters, replaces, moves, installs or monitors an "alarm device", and may include reporting the occurrence of alarms to the "police service".
- 1.3. "ALARM DEVICE" means any device or series of devices installed on real property and designed to detect criminal activity or unauthorized entry or emergency which when activated, emits or transmits a local or remote audible, visual or electronic signal intended to alert the "alarm system owner", summon the police service, whether monitored by an "Alarm Business" or not. This definition does not include an alarm installed in a vehicle or on a person unless the vehicle or personal alarm is permanently located at the premises.
- 1.4. "ALARM SYSTEM OWNER" means the owner, occupant or lessee of a building, structure or premise that has a security alarm system or the lessee of a security alarm system.
- 1.5. "BOARD" shall mean the Town of Tillsonburg Police Services Board
- 1.6. "FALSE ALARM" means any signal from a security alarm system that is reported to the police service, resulting in a false dispatch that is caused by:
 - i) the testing of an alarm without police knowledge and approval;
 - ii) alarms caused by the negligence or carelessness of the Alarm Business, the Alarm System Owner or alarm user;
 - iii) alarms activated due to mechanical failure or improper installation; and/or
 - iv) alarms activated by internal or external atmospheric conditions, vibrations, or power surges.
- 1.7. "POLICE SERVICE" shall mean the Ontario Provincial Police (OPP), or the Police Service specifically contracted by the Town of Tillsonburg to provide Policing Services.
- 1.8. "TOWN" means the Town of Tillsonburg.

2. FEES FOR FALSE ALARMS

- 2.1. Where there is a Police response to a False Alarm, the Alarm System Owner shall be responsible for the fee as set out in Town of Tillsonburg User Fees By-Law.
- 2.2. An Alarm shall not be classified as a False Alarm, if, within forty-eight (48) hours of the police service response, the Alarm System Owner or an Alarm Business furnishes evidence to the police service that the Alarm was caused by:
 - i) an unauthorized entry or attempted unauthorized entry into the building, structure or facility;
 - ii) an extraordinary circumstance as determined by the police service Detachment Commander or designate.

3. COLLECTION OF FALSE ALARMS FEES

- 3.1. The police service shall provide the Town of Tillsonburg Administration/ staff with the required information within 28 days of the end of a calendar month, regarding False Alarm occurrences in the preceding month for invoicing and collection purposes. Required information includes at a minimum the address of the call for service.
- 3.2. Fees shall be invoiced and collected by the Town of Tillsonburg, in accordance with the processes established in the Town of Tillsonburg's current procedures. Invoices shall be printed and mailed to the alarm system owner. Invoices shall be dated on the day of printing and mailed within five (5) days of the date of printing.
- 3.3. The Town of Tillsonburg will take appropriate steps as provided for in the Municipal Act, 2001 to collect outstanding false alarms fees.

4. APPEALS

- 4.1. The premises' owner/occupier may appeal the validity of a determination that an alarm was false by submitting an appeal form or letter in writing, and the prescribed user fee to the Town within thirty (30) days of the date of the invoice.
- 4.2. The prescribed user fee will be included in the Town of Tillsonburg User Fee By-Law. The fee is non-refundable after submitting the appeal form.
- 4.3. The Town shall review the appeal within sixty (60) days after the appeal is filed.
- 4.4. The Town shall decide upon affirmation or the reversal of the assessment of the fees.
- 4.5. The decision by the Town shall be final and conclusive for all purposes.

- 4.6. Upon conclusion the Town shall notify the Alarm System Owner and the Board in writing of the decision.

5. PARTIAL INVALIDITY

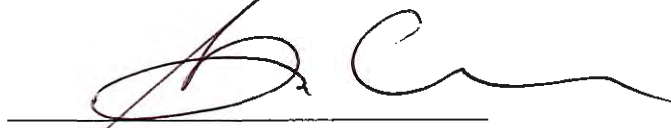
- 5.1. If any term of this by-law or the application thereof shall, to any extent, be invalid or unenforceable, the remainder of this by-law and/or the application of such term to circumstances, other than those to which it is held invalid or unenforceable, shall not be affected thereby and each term of this by-law shall be separately valid and enforceable to the fullest extent permitted by law.

6. ENACTMENT


- 6.1. The short title of this by-law is the False Alarm Reduction By-Law.
- 6.2. By-Law 3170 is hereby repealed.
- 6.3. This By-Law shall be effective June 1, 2021.

READ A FIRST AND SECOND TIME THIS 22nd day of MARCH, 2021.

READ A THIRD AND FINAL TIME AND PASSED THIS 22nd day of MARCH, 2021.



MAYOR – Stephen Molnar



CLERK – Michelle Smibert