

THE CORPORATION OF THE TOWN OF WHITCHURCH-STOUFFVILLE

BY-LAW NUMBER 2002 - 223- FR

Being a by-law to administer Fire Department responses to false alarms

WHEREAS Section 220.1 of the Municipal Act, R.S.O. 1990 cM.45 (the Act as amended) authorizes Council to enact by-laws to establish fees or charges for services provided by the municipality; and

WHEREAS Section 207 (23) of the Municipal Act R.S.O. 1990 cM. 45 provides for the fixing of the terms, conditions and charges for the use by any person of any of the employees or mechanical equipment of the municipality;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF WHITCHURCH-STOUFFVILLE ENACTS AS FOLLOWS:

1. Where staff of the Fire Department responds to a False Alarm at the same premise in the Town upon a third or any subsequent occasion within any 12-month period, the Chief Fire Official is authorized to assess an owner or occupant of the premise who is responsible for the False Alarm with the fee for response to False Alarm service as set forth in By-law 2002-217-FI.
2. The fee will be based upon the attendance at the premise in response to a False Alarm of any Fire Department personnel traveling in a Fire Department vehicle. The minimum fees will be determined as described under the by-law to establish fees for fire inspections, permits and responses to false alarms.
3. In circumstances where a False Alarm is caused by a faulty, malfunctioning, inadequate or improperly secured Alarm system, the Chief Fire Official shall waive ninety percent (90%) of the fee where, within thirty (30) days after receipt of notice of an assessment for a response to False Alarm service or within thirty (30) days after determination by the Council that the fee is appropriately levied, the cause of the False Alarm as it relates to the Alarm System is re-mediated to the satisfaction of the Chief Fire Official.
4. In order to assess the fee described in this By-law, the Chief Fire Official shall provide notice thereof to the person determined to be responsible for the response to False Alarm service within sixty (60) days, after such False Alarm. Notice shall be sent by registered mail and shall be effective five (5) days after it has been mailed
5. The person who is assessed the fee shall have thirty (30) days after receipt of notice thereof to pay or to dispute the fee. After such time, if the fee is not disputed or after thirty (30) days following Council's decision that the fee is correctly assessed, if the fee has not been paid, the fee may be recovered as a debt owed to the municipality. Where the person responsible for a False Alarm is the owner of the premise, the fee may be added to the tax roll for the property and may be collected in like manner as municipal taxes.

**DETERMINATION OF RESPONSIBILITY**

6. Responsibility for initiating a response to False Alarm service shall arise where an owner or occupant having care and control over an Alarm System tests it or arranges for a test of it without advance notification to the Fire Department
7. Responsibility for initiating a response to False Alarm service shall arise where an owner or occupant having care and control over an Alarm System fails to ensure that its components function correctly and in manner adequate to the circumstances of the premise.
8. Responsibility for initiating a response to False Alarm service shall arise where an owner or occupant of a premise initiates an alarm in relation to that premise or to a person with in or upon that premise without reasonable basis for belief that a fire or emergency exists in relation to that person or premises.

9. Responsibility for initiating a response to False Alarm service shall arise where an owner or occupant having care and control over an Alarm System fails to take such reasonable precautions as may be suggested in writing by the Chief Fire Official to ensure that the Alarm System is secure against act of vandalism after two prior instances of False Alarms at that premise within any twelve (12) month period.
10. Responsibility for initiating a response to False Alarm service shall arise where an alarm-monitoring agent of the owner or occupant falsely initiates an alarm in relation to the premise or to the person within the premise.
11. In the event of a disputed fee respecting the response to False Alarm service, the person in receipt of such assessment of fee shall be entitled to attend in person or to make written submissions respecting the disputed fee to the Committee of Council of the Town, which is empowered to recommend whether the fee is appropriate in the circumstance.
12. Every notice indicating that a person has been assessed a fee for response to False Alarm service, shall indicate the date of the False Alarm, the amount of the fee and the reason why the fee has been assessed against that person. The notice shall indicate that the recipient has thirty (30) days to dispute the assessment of the fee to the Committee of Council of the Town and that the recipient has opportunity to reduce the fee by re-mediating the cause of the False Alarm as described in section 4 of this By-law. Where the person assessed the fee is the owner of the premise, the notice shall indicate that unpaid debts may be added to the tax roll for the premise.

READ a first and second time this 17th day of December, 2002.

READ a third time and passed this 17th day of December, 2002.

Wayne Emmerson, Mayor

Michele Kenney, Clerk