



THE REGIONAL MUNICIPALITY OF HALTON

POLICE SERVICES BOARD

BY-LAW 2004-002

A by-law to impose Fees and Charges for the Services and Activities provided by the Halton Regional Police Service on behalf of the Regional Municipality of Halton Police Services Board related to Security Alarms.

WHEREAS pursuant to Part XII, Section 391 of the ***Ontario Municipal Act, 2001***, S.O. 2001, c. 25, as amended, (hereinafter referred to as the ***Municipal Act***) a municipality and a local board may pass by-laws imposing fees or charges on any class of persons,

- (a) for services or activities provided or done by or on behalf of it;
- (b) for costs payable by it for services or activities provided or done by or on behalf of any other municipality or local board;
- (c) for the use of its property including property under its control; and
- (d) for capital costs payable by it for sewage and water services or activities which will be provided or done by or on behalf of it after the fees or charges are imposed.

AND WHEREAS The Regional Municipality of Halton Police Services Board is a Board of the Regional Municipality of Halton established pursuant to Section 5 (1) 1 of the *Police Services Act of Ontario*, R.S.O. 1990, c. P-15 (hereinafter referred to as the *PSA*) as mandated by Section 4 of the *PSA* and is a local board pursuant to Section 390 of the *Municipal Act* and thereby permitted to impose Fees and Charges under Part XII, Section 391 of the *Municipal Act*.

AND WHEREAS pursuant to Section 396 (1) of the *Municipal Act* a by-law under this Part may provide for,

- (a) interest charges and other penalties, including the payment of collection costs, for fees and charges that are due and unpaid;
- (b) discounts and other benefits for early payment of fees and charges;
- (c) fees and charges that vary on any basis the municipality or local board considers appropriate and specifies in the by-law, including the level or frequency of the service or activity provided or done, the time of day or of year the service or activity is provided and whether the class of persons paying the fee or charge are residents or non-residents of the municipality;
- (d) different classes of persons and deal with each class in a different way; and
- (e) the exemption, in whole or in part, of any class of persons from all or any part of the by-law. 2001, c. 25, s. 396 (1).

AND WHEREAS pursuant to Section 396 (2) of the *Municipal Act* a by-law under this Part shall set out when and in what manner,

- (a) the fees and charges are to be paid; and
- (b) the interest charges and other penalties, if any, for fees and charges that are due and unpaid and the discounts and other benefits, if any, for early payment of the fees and charges are to be paid. 2001, c. 25, s. 396 (2).

AND WHEREAS Section 392 of the *Municipal Act* requires that a municipality and a local board shall establish and maintain a list for public inspection indicating which of its services and activities and the use of which properties will be subject to fees or charges under this Part and the amount of each fee or charge.

AND WHEREAS pursuant to Section 397 (1) of the *Municipal Act* a by-law imposing fees or charges passed under this Part by a local board of a municipality which is not a local board of any other municipality shall not come into force until the municipality passes a resolution approving the by-law.

AND WHEREAS pursuant to Section 398 (1) of the *Municipal Act* Fees and Charges imposed by a municipality or local board on a person under this Part constitute a debt of the person to the municipality or local board.

AND WHEREAS Section 398 (2) of the *Municipal Act* provides that the treasurer of a local municipality may, and upon the request of its upper-tier municipality, if any, or of a local board whose area of jurisdiction includes any part of the municipality shall, add fees and charges imposed by the municipality, upper-tier municipality or local board, respectively, under this Part to the tax roll for the following property in the local municipality and collect them in the same manner as municipal taxes:

1. In the case of fees and charges for the supply of a public utility, the property to which the public utility was supplied.
2. In all other cases, any property for which all of the owners are responsible for paying the fees and charges.

AND WHEREAS the Halton Regional Police Service registers information pertaining to premises equipped with security alarm systems;

AND WHEREAS the Halton Regional Police Service incurs costs responding to calls for service initiated by alarm systems installed in residential and business premises, which are false alarms;

AND WHEREAS the number of false alarms in Halton Region has been identified as consuming a significant quantity of police resources, which could be better directed to enhancing the police presence in the community;

AND WHEREAS response to false alarms interferes with the ability of the Police Service to respond to actual incidents;

AND WHEREAS on the 22nd of May 1997, the Regional Municipality of Halton Police Services Board approved by-law 97-1, which authorized the imposition of user fees and service charges for Alarm Registration and False Alarms;

AND WHEREAS on December 9th, 1998 The Regional Municipality of Halton passed Region of Halton by-law 198-98 that brought into force Regional Municipality of Halton Police Services Board by-law 97-1.

NOW THEREFORE The Regional Municipality of Halton Police Services Board does hereby impose, approve and adopt this by-law to supersede The Regional Municipality of Halton Police Services Board by-law 97-1 imposing fees and charges for the services and activities provided by the Halton Regional Police Service on behalf of the Regional Municipality of Halton Police Services Board with respect to the imposition, monitoring, and collection of Alarm Registration and False Alarm fees and charges.

AND FURTHERMORE all charges and fees for the services and activities provided or done by the Halton Regional Police Service with respect to the imposition, monitoring, and collection of Alarm Registrations and False Alarm fees and charges shall be due as set out within this by-law and the attached Schedule "A" that shall form part of this by-law.

AND FURTHERMORE any fee or charge not paid within Thirty (30) days after the billing date shall incur additional interest charges as set out within this by-law and the Board may, at its discretion, direct that the Region add those outstanding fees and charges where possible and deemed appropriate to the tax roll for any property for which all of the owners are responsible for paying the fees and charges pursuant to Section 398.2 (2) of the **Municipal Act**.

AND FURTHERMORE the Chairman of the Regional Municipality of Halton Police Services Board shall direct the Chief of Police to, as required from time to time at the discretion of the Chief, create, update, and maintain those Policies, Procedures and Directives necessary in the opinion of the Chief of Police to effectively and efficiently operate and enforce this by-law.

NOW THEREFORE the Regional Municipality of Halton Police Services Board hereby enacts as follows:

DEFINITIONS:

1. In this By-law:

- (a) "**HRPS**" means the Halton Regional Police Service.
- (b) "**HRPSB**" means The Regional Municipality of Halton Police Services Board.
- (c) "**Alarm Company**" means any person or entity, corporate or otherwise, including a monitoring station, alarm company, their employees, servants, agents or assigns, who is engaged in the business of monitoring alarm systems/signals for commercial, institutional or residential lands, buildings, structures or premises and ultimately reporting to the HRPS where an Alarm Incident has occurred.
- (d) "**Security Alarm System**" means an assembly of mechanical and/or electrical devices which is designed or used for:
 - 1. the detection of entry into or damage caused 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

2. the transmission of a manually activated emergency signal to an alarm company, but does not include a device designed to alert in case of medical emergency nor does it include Police Service installed or issued alarms including "DVERS" and "Electronic Stake-out" alarm systems.

(e) "**Alarm Subscriber**" means any person who pays funds to an Alarm Company in exchange for monitoring a Security Alarm System.

(f) "**Anniversary Date**" means, the date on which premises are registered with HRPS.

(g) "**Alarm Incident**" means the activation of a Security Alarm System and the direct or indirect reporting of the activation to the HRPS resulting in a police response.

(h) "**False Alarm**"

A False Alarm is an alarm that prompts police response and arrival to a premises where a bona fide emergency does not exist, or was not, on reasonable grounds as determined by the HRPS, believed to exist, and includes, but is not limited to, the following:

i) The activation of a Security Alarm System during the testing of an alarm resulting in police response,

ii) The Activation of a Security Alarm System caused by the error, negligence or carelessness of the alarm business, the alarm installer, the alarm subscriber, or the alarm owner/user, or their employees, servants, agents or assigns.

iii) The Activation of a Security Alarm System due to electrical or mechanical failure, malfunction, improper installation or maintenance, or any other faulty equipment, and/or

iv) The Activation of a Security Alarm System due to internal or external atmospheric conditions, vibrations or power surges.

v) A bona fide emergency is deemed to exist where there is:

- An attempted or completed criminal act, or
- Any other valid emergency situation occurring at, or in relation to, the premises.

(i) "**Residential Premise**" means lands, buildings or structures used solely as a residence for one or more individuals.

(j) "**Business Premise**" means lands, buildings or structures used or designated or intended for uses other than residential use.

- (k) **"Registered Premise,"** means a premise that has been registered with the HRPS and whose annual registration fees have been paid in full.
- (l) **"Non-Registered Premise"** means a premise that is not registered with the HRPS or whose annual registration fees renewal has not been received by the HRPS.
- (m) **"Caution Notice"** means a document issued by the HRPS after two (2) False Alarms within a one-year (365-day) period, have been responded to at the specified location.
- (n) **"Suspension Notice"** means a document issued by the HRPS after four (4) "at fault false alarms" which suspends response to an alarm at a specified location effective fourteen (14) days after the date of the Notice, for a period of 365 days.
- (o) **"Suspended Premise"** means a premise that has been issued a Suspension Notice by the HRPS. The HRPS, based on the circumstances, may choose to respond and attend a suspended premise upon receipt of a subsequent alarm. If the alarm is found to be false, fees as outlined in Appendix "A" will be imposed.

REGISTRATION AND FALSE ALARM FEES:

1. The Alarm Company is responsible for the submission to HRPS of initial registration fees and annual registration renewal fees as outlined in the attached **Appendix "A"** for each residential and business premise that contains a Security Alarm System, is registered, and is monitored by that Alarm Company. All premises should be encouraged to register to allow for a reduction of false alarm fees should a false alarm occur.
2. The Registration fee must be paid annually on the anniversary date of initial registration. The Registration fee must be received by the HRPS within 15 days of its due date, that being the annual anniversary date. Any false alarm incident occurring 15 days or more after the due date for annual Registration, where no fee is received by HRPS, will be billed at the rate of an unregistered premise.
3. Every application for registration must contain the names, addresses and telephone numbers of the Alarm Company or Companies responsible for monitoring, maintaining, and advising the HRPS of an Alarm Incident. The Alarm Company shall ensure that the information required is accurate and shall notify the HRPS within 5 days, in writing, of any changes in the information including cancellations.

4. The Alarm Company shall ensure that it has available contact information relating to every Residential and Business Premise who is:
 - (a) available to receive telephone calls from the police in the event of an Alarm Incident;
 - (b) able to attend at the address of the Alarm Incident within 30 minutes of being requested to do so by the police;
 - (c) capable of affording police access to the premises where the Security Alarm System is installed; and
 - (d) capable of operating the Security Alarm System and able to safeguard the premises.
5. All ATM Machines must be registered separately from any other alarm system at that specific address.
6. Where the HRPS responds to a False Alarm in relation to a monitored premises, whether registered or unregistered, the applicable False Alarm fees and charges will be billed to the Alarm Company which monitors the premises and that company is responsible for payment to the HRPS within the period prescribed herein.

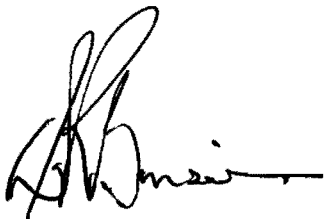
COLLECTION POLICIES:

7. Alarm Companies, and particularly the monitoring company that is responsible for reporting the alarm incident to the HRPS, is responsible for payment in full of all fees and charges billed to them by the HRPS within 30 days of the date of invoice.
8. Alarm Companies are responsible for the collection of registration and false alarm fees imposed on them by the HRPS from their customers, as the Alarm Company deems appropriate. The HRPS will not accept payments directly from their customers nor is the HRPS responsible for collecting fees from Alarm Company customers on behalf of Alarm Companies.
9. In the event that the Alarm Company fails to pay any False Alarm fee or charge within 30 days of the billing date on the invoice, the HRPS may take any steps the Service deems appropriate in relation to collection thereof. This may include any action authorized by the Municipal Act with respect to collections including the imposition of outstanding fees upon tax rolls, the suspension or termination of service to all premises monitored or serviced by the delinquent Alarm Company or any other manner permitted at law.


10. The Chief of Police or his designate may suspend any Alarm Company and discontinue responses to calls when payment of all or part of any fees and interest owing under this By law is outstanding for a minimum of three (3) months from the date of the invoice from the Service. The suspended Alarm Company will be reinstated only after the payment of a suspension fee pursuant to Schedule "A" and all other outstanding amounts including the interest charges and any costs incurred by HRPS in their efforts to collect the outstanding fees.
11. Interest on any unpaid fees will be charged at a rate of two percent (2%) per month, commencing 30 days after the billing date on the invoice and continuing to the date payment is received by the Service.
12. Any costs incurred by the HRPS for efforts undertaken for collection of fees or charges imposed pursuant to this by-law that are due and unpaid shall be added to the outstanding amount owing by the Alarm Company.
13. Appendix "A" is attached to and forms part of this by-law.

NOW THEREFORE The Regional Municipality of Halton Police Services Board **HEREBY APPROVES AND ADOPTS THIS BY-LAW** and directs that this by-law come into effect immediately upon the date the Regional Municipality of Halton passes a resolution by way of a Regional by-law approving this by-law.

APPROVED AND ADOPTED THIS 25th DAY OF NOVEMBER, 2004



Donald K. Robinson, Chairman
The Regional Municipality of Halton
Police Services Board

Approved as to form and content Legal Counsel	
Date: 23/Nov/04	Per: 

APPENDIX "A"
TO THE REGIONAL MUNICIPALITY OF HALTON
POLICE SERVICES BOARD BY-LAW 2004-002

FEE SCHEDULE

	<u>Residence</u>	<u>Business</u>
Registration (Initial and annual renewal fee)	\$24.00	\$48.00
<u>Registered Premises</u>		
1 st False Alarm	No Charge	No Charge
2 nd False Alarm	\$30.00	\$60.00
3 rd and subsequent False Alarms	\$40.00	\$80.00
Attended While Suspended	\$60.00	\$120.00
<u>Non Registered Premises</u>		
1 st Non Registered False Alarm	\$50.00	\$100.00
2 nd Non Registered False Alarm	\$60.00	\$120.00
3 rd and subsequent False Alarms	\$60.00	\$120.00
Attended While Suspended	\$60.00	\$120.00
<u>Suspension Fee</u>		
Alarm Companies		\$100.00