

BY-LAW 13-11
OF THE CORPORATION OF THE TOWN OF AYLMER

Being a By-Law to Reduce False Alarms that Require the Deployment of Fire
Department Resources within the Town of Aylmer

WHEREAS, the purpose of this By-Law is to reduce the number of false alarms requiring the deployment of fire department resources within the Town of Aylmer.

AND WHEREAS, Section 391 of the Municipal Act 2001, S.O., C.25, as amended provides that a municipality and a local board may pass By-Laws imposing fees or charges on any class of persons for services or activities provided or done by or on behalf of it and for costs payable by it for services or activities provided or done by or on behalf of any other municipality or local board and for the use of its property including property under its control;

AND WHEREAS, Section 11 (2) (6) of the Municipal Act 2001, C.25, as amended, provides that a lower tier municipality may pass By-Laws respecting the health, safety and well-being of the inhabitants of this municipality;

NOW THEREFORE, the Council of the Corporation of the Town of Aylmer Enacts as Follows:

1. In this By-Law, unless the context otherwise specifies:

- (1) "alarm" means any mechanical or electrical device which is design or used for the detection or warning of a fire in any building, structure, or facility or for alerting others to the detection of a fire, or both, and which emits a sound or transmits a signal or message when activated.
- (2) "alarm system"
 - (a) means an alarm or all alarms which:
 - i. are installed on or in real property; and
 - ii. can be turned on or off independently of other alarms from an operating control; and
 - iii. are designed to issue a warning of a fire by activating an audible alarm signal and/or alerting a monitoring service.
- (3) "automatic calling device"
 - (a) means a device, or combination of devices, that will, upon activation , either mechanically, electronically or by any other automatic means, initiate a telephone or recorded message which is designed to be transmitted over regular telephone lines.
- (4) "false alarm"
 - (a) includes, but is not limited to, an alarm activated unnecessarily, or improperly, resulting in a fire response and includes:
 - i. the testing of an alarm without notifying the Fire Chief or his designate; and/or
 - ii. the testing of an alarm without notifying the Fire department Dispatch Centre; and/or
 - iii. an alarm, actually or apparently activated by mechanical malfunction or faulty equipment; and/or
 - iv. an alarm activated accidentally by the owner or occupier of the premises, his agent or employee; and/or
 - v. an alarm reporting an emergency situation occurring on or in relation to the premise in which the alarm device or

system is installed where there is no evidence of fire, fire damage, or smoke.

(b) but does not include:

- i. any alarm which the owner can demonstrate was actually caused by the act of some person other than:
 - (a) the owner or occupier, agents, employees, independent contractors or any other person subject to the direct or indirect control of the owner
 - (b) the person who installed, connected, operated, maintained, or services the alarm system, or
 - (c) the manufacturer of the alarm system, including the manufacturers officers, agents and employees, independent contractors or any person subject to the direct or indirect control of the manufacturer.

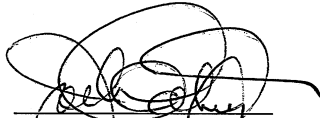
(5) "maintenance"

- a) a responsible party shall ensure at all times that the alarm System is maintained in good working order and that any users of the Subject Premises are kept fully apprised of the operation of the alarm.

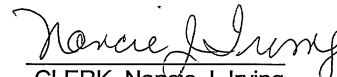
2. No person shall install, maintain, or use an automatic calling device designated to transmit a message to the Town of Aylmer Fire Department.
3. Every alarm holder and/or the registered title owner shall:
 - a) Supply the 911 emergency services address to the alarm monitoring company to aid in the speedy location of the premises, and;
 - b) Supply the phone number of the Fire Department Dispatch Centre to the monitoring company, and;
 - c) Be available at any time to receive calls from a member of the Town of Aylmer Fire Department in respect of an alarm;
 - d) Be capable of obtaining or allowing access to the premises where the alarm is located, and;
 - e) Attend the premises, or have a key holder attend the premises, where the alarm is located within thirty (30) minutes of being requested to do so by a member of the Town of Aylmer Fire Department following the activation of the alarm, and;
 - f) Identify, where there is more than one alarm system within a building, which alarm system has experienced an activation of an alarm, and;
 - g) Supply the Fire Chief with the alarm monitoring company phone number and address.
4. In the event an alarm owner or key holder is unable to attend the premises within the 30 minute time frame, and/or circumstances of the incident warrant immediate entry, the fire department personnel will enter and investigate the premises. In the event fire Department personnel cause forced entry to the premises due to a false alarm, all costs incurred to secure the building will be the responsibility of the alarm owner.
5. Every alarm holder and/or every registered title owner who causes, or permits to be caused, a false alarm as defined under Section 1 (4) of this By-Law, will for the second false alarm receive a warning notice. For each false alarm following the second false alarm, a letter from the alarm holder and/or the registered owner, or the alarm company which installed the system, shall be submitted to the Town of Aylmer Fire Department summarizing the steps that have been taken to curb the problem, and in addition fees shall be paid to the Town of Aylmer in accordance with Schedule A attached hereto and forming part of this By-Law.

6. The determination of the number of false alarms for the purposes of calculating the above noted fees will be based on the total number of false alarms in the twelve month period immediately preceding the last false alarm.
7. Where a fee is charged in accordance with Section 6 of this By-Law, the Town of Aylmer will invoice the alarm holder or registered title owner of the real property for the response for service, and they shall be liable for the costs set out in Schedule A to respond to the said false alarm incident.
8. Notwithstanding the provisions of this by-law, the Fire Chief may, at his/her discretion exempt an owner or occupier from the requirement to pay the stipulated fee when the Fire Chief believes that the owner or occupier has taken all reasonable actions to prevent the false alarm occurrence.
9. All unpaid amounts owing by any person to the Town pursuant to this By-Law will be collected consistent to the Town's accounts receivable collection policy.
10. This By-Law is applied commencing from the first reported false alarm as defined under Section 1(4) of this By-Law.
11. This By-Law shall become effective on the date of passage.

Read a First and Second time this 6th day of June, 2011.




MAYOR, Jack Couckuyt

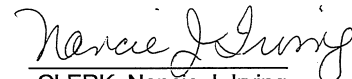


CLERK, Nancie J. Irving

Read a First and Second time this 20th day of June, 2011.



MAYOR, Jack Couckuyt



CLERK, Nancie J. Irving

**TOWN OF AYLMER
BY-LAW #13-11**

**Schedule "A"
Fees, Interest and Penalties**

In accordance with By-Law 13-11, the following fees, interest and penalties shall apply where the attendance by the Fire Department or Fire Department Personnel is required to respond to a False Alarm.

Section A – Costs

- 3rd false alarm - \$250.00
- 4th false alarm – \$350.00
- Each false alarm after the 4th false alarm - \$450.00

Section B – Interest and Penalties

1. Interest and penalties shall be applied as defined in the Town of Aylmer Accounts Receivable Collection Policy.