

	<p>THE CORPORATION OF THE TOWN OF COBOURG</p>
<p><b>BY-LAW NUMBER <u>050-2016</u></b></p>	

**BEING A BY-LAW OF THE TOWN OF COBOURG TO ESTABLISH A SYSTEM FOR THE REGISTRATION OF ALARM SYSTEMS, THE REDUCTION OF FALSE ALARMS, AND THE PROCEDURE FOR POLICE RESPONSE.**

**WHEREAS** the Cobourg Police Services Board is responsible for the provision of police services, law enforcement, crime prevention, assistance to victims of crime, emergency response and public order maintenance in the Town of Cobourg;

**AND WHEREAS** alarms attract emergency response from the police service;

**AND WHEREAS** the police response of monitored alarm devices at institutional, commercial, and residential premises may result in delay police response and serious loss of police resources to a genuine emergencies when alarms are found to be false;

**AND WHEREAS** pursuant to Part XII Section 391 the *Municipal Act, 2001, S.O. 2001, c.25, as amended*, authorizes a municipality to imposing fee or charges on 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 any local board;

**AND WHEREAS** pursuant to section 397 a municipality may pass a by-law providing that a by-law of a local board of the municipality, which is not a local board of any other municipality, imposing fees or charges shall not come into force until the municipality passes a resolution approving the by-law of the local board.

**AND WHEREAS** this By-law provides for registration of alarmed premises, for control of the incidents of false alarms and for the imposition of fees for the provisions of police response to alarms to ensure effective management and use of police service resources;

**NOW THEREFORE** the Cobourg Police Services Board hereby enacts as follows:

**SHORT TITLE**

**ALARM REGISTRATION AND RESPONSE BY-LAW**

**PURPOSE**

Provide for pre-registration of alarmed premises, control the incidence of False Alarms and provide for the imposition of charges for Police Response to False Alarms.

## GENERAL

### PART 1

#### 1.0 DEFINITIONS:

**“Alarm Holder”** shall mean any owner, occupier or lessee of a building, structure, facility, premise or ATM in the Town of Cobourg where an alarm system is installed.

**“Alarm Incident”** shall mean the activation of a Security Alarm System and the direct or indirect reporting of the activation to the Police Service.

**“Alarm Premise”** shall mean any building, structure, facility, premise or ATM in the Town of Cobourg where an alarm system is installed.

**“Alarm System”** shall mean any device, which when activated, transmits a signal or message to a monitoring company or emits an audible sound signifying an alarm.

**“By-Law”** shall mean this By-law together with any and all amendments hereto enacted from time to time.

**“Chief of Police”** shall mean the Chief of Police of the Cobourg Police Service, or his or her designate.

**“False Alarm”** shall mean an Alarm Incident where there is no evidence of an unauthorized entry or an unlawful act having been attempted or made into, on or in respect of the building, structure, facility premise or ATM, that either intentionally or unintentionally, unnecessarily or improperly results in a police response and includes, but not limited to:

- a) The activation of a security alarm system during its testing,
- b) A security alarm system activation by mechanical failure, malfunction or faulty equipment,
- c) A security alarm system activated by atmospheric conditions, vibrations or power failure,
- d) A security alarm system activated in error by the owner, occupant or tenant of the premises, any agent or any employee.

**“Monitoring Company”** shall mean any individual, partnership, corporation or other entity who engages in the business of monitoring alarm signals from alarm systems for commercial, institutional or residential premises in the Town of Cobourg and reporting that alarm status to the Cobourg Police.

**“Police Response”** shall mean any means of responding to a call for police service.

**“Police Service”** shall mean the Cobourg Police Service;

**“Registered Alarmed Premise”** shall mean an alarm premise for which the annual alarm registration fee required by this By-law has been paid directly to the *Monitoring Company* and forwarded by the *Monitoring Company* to the Cobourg Police Service together with the clients name and address of the alarmed premise.

**“Security Alarm System”** shall mean an assembly of mechanical or electrical devices which is designed or used for:

- a) 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
- b) 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.

"Valid Alarm" shall mean an alarm signal, which had been activated for the legitimate purposes for which it was installed, that being a criminal act or attempt or an emergency situation related to the premises.

## PART II:

### 2.0 REGISTERED ALARMED PREMISE

- 2.1 Every *Alarm Holder* shall pay an annual alarm registration fee directly to their *Monitoring Company* in accordance with the requirements of this By-law.
- 2.2 Every *Monitoring Company* having customers in the Town of Cobourg shall, annually contact all of their alarm system customers and advise them of the applicable annual alarm registration fee prescribed by this By-law and shall collect the required fee from each customer each and every calendar year.
- 2.3 The *Monitoring Company* shall, submit no later than January 5th of each year, by a single cheque/money order, to the Cobourg Police Services, the fee plus applicable taxes for each *Alarm Holder*, together with a list containing the *Alarm Holder's* name, the *alarmed premise* address and the fee collected (including the applicable taxes).
- 2.4 In the event that a new *Alarm Holder* is registered (after the annual submission in January) with the *Monitoring Company*, a prorated (till December 31<sup>st</sup>) registration fee plus applicable taxes are to be collected and forwarded to the Cobourg Police Service in the same manner as above. Without the notification and payment of the registration fees being received by the Cobourg Police Service, the alarm premises will be considered not a "*registered alarm premises*" and police response to an alarm (without prior verification of an emergency situation) will not be provided to such *Alarm Holder* at any *alarmed premise* for which the registration fee has not yet been received by the Cobourg Police Service.
- 2.5 In the event that any customer of a *Monitoring Company* refuses or fails to pay the *Monitoring Company* the applicable annual alarm registration fee(s), then the *Monitoring Company* shall send a letter to such *Alarm Holder*, with a copy to the Cobourg Police Services, advising that police response to an alarm (without prior verification of an emergency situation) will not be provided to such *Alarm Holder* at any *alarmed premise* for which the registration fee has not been paid.

### 3.0 Non Registered Alarmed Premise

- 3.1 If the Cobourg Police Service responds to a false alarm and the *alarmed premise* is not a registered alarm premise for the purpose of this By-law, the Cobourg Police Service will forward a letter to the Alarm Holder advising that payment of applicable registration fee, plus applicable taxes is required for registration and that the *Alarm Holder* must do this through their *Monitoring Company*. Failing to do this police response to an alarm (without prior verification of an emergency situation) will not be provided to such alarm holder at any alarmed premise.

#### 4.0 SECURITY ALARM SYSTEM REGISTRATION

- 4.1 The annual fees for registration pursuant to this By-law per *alarmed premise* as outline in Schedule "A" of this By-law.

### PART III

#### 5.0 ALARM VERIFICATION

- 5.1 To assist the alarm industry in reducing the number of false dispatch requests being made to police, a verification process has been developed. The verification process is used to prevent false alarm signals from becoming false alarm calls for service to the Police.
- 5.2 The Alarm Response Verification requires that **all** alarm signals (including those alarms signals identified by the *Monitoring Company* as panic, duress, invasion, ambush and distress) be verified before the *Monitoring Company's* alarm dispatch requests police attendance.
- 5.3 The approved verification process requires one of the following;
- a) **Audio Device-** The establishment of voice communication with an authorized person at the premises/scene who may confirm that criminal activity or imminent threat to personal safety exists.
  - b) **Cancel Code-** The utilization of a feature in the control panel/device that permits the alarm system user to send a unique signal to the *Monitoring Company* that will cancel an alarm signal after it has been sent.
  - c) **Key Holder-** In the absence of a verified alarm signal indicating criminal activity or the imminent threat to personal safety, *the Monitoring Company* shall implement a verification process that attempts to establish communication with an authorized person who can confirm whether or not police need to be dispatched.
  - d) **Technological Means-** The confirmation of criminal activity or imminent threat to personal safety using "cross zoning" technology (multiple alarm activation).
  - e) **Video Device-** The establishment of video communication with the premise or the alarm system user that may provide the *Monitoring Company* with the ability to confirm that criminal activity or imminent threat to personal safety exists.

### Part IV

#### 6.0 ALARM RESPONSE CANCELLATIONS

- 6.1 Cobourg Police Service will accept alarm response cancellations from the *Monitoring Companies*. When the *Monitoring Company* notifies the Police Service regarding an alarm signal, police personnel will dispatch police units in accordance to Policies. Should the *Monitoring Company* call back to Communications to cancel the alarm, the Communicator will obtain the name, employee number and/or station, note same in the police records dispatch system and cancel the unit(s) being dispatched.
- 6.2 Cancelled alarms, where a member of the Police Service has not yet arrived on scene, will not be included as a false alarm response.

## Part V

### 7.0 FALSE ALARMS

- 7.1 False alarms 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 the building, structure or premises and includes, but not limited to:
- a) The activation of a security alarm system during its testing,
  - b) A security alarm system activation by mechanical failure, malfunction, or faulty equipment
  - c) A security alarm system activated by atmospheric conditions, vibrations or i.power failure,
  - d) A security alarm system activated by user error;

### REGISTERED PREMISE

- 7.2 Any registered alarm premise that has had a police response on one (1) occasion within a 365 day period, where it has been determined to be false, will not be charged a fee on the first false alarm.
- 7.3 Any registered alarm premise that has a second false alarm within a 365 day period will be charged a fee for the response to the False Alarm where it has been determined to be false by the Cobourg Police.
- 7.4 Any registered alarm premise with a third or subsequent false alarms, within a 365 day, period will be charged a fee for the response to the False Alarm where it has been determined to be false by the Cobourg Police.

### NON-REGISTERED PREMISE

- 7.5 If the Cobourg Police Service responds to a false alarm and the premise has not been registered, the Cobourg Police Service will forward a letter advising of the requirement for registration and remittance of any applicable registration fee, plus H.S.T. and a copy of the By-Law will be furnished upon receipt of the registration fee. The alarm subscriber will be allowed 15 days, from the alarm response date, to register and pay any applicable fee.

## Part VI

### 8.0 COST RECOVERY PROGRAM

- 8.1 The Cobourg Police Service Cost Recovery Program was established to address the issues of demands for response to monitored alarms compounded by reducing availability of fiscal and human resources. The program permits the Cobourg Police Service to charge a fee for any alarm event that has been accepted and attended by a police unit and is determined to be a **false alarm**.
- 8.2 Fees are invoiced monthly to the *Monitoring Company* that have requested police response.
- 8.3 The Cobourg Police Service will invoice the *Monitoring Company* for a cancelled alarm call that has been accepted by the police and where police have arrived on scene of the alarm premises prior to being notified of the cancellation.

- 8.4 The Cobourg Police Service will not invoice the *Monitoring Company* for a cancelled alarm call that has been accepted by the police and where the police were cancelled off prior to their arrival at the alarmed premises.

#### Part VII

#### 9.0 COST RECOVERY FEE

- 9.1 The Cobourg Police will invoice the *Monitoring Company* on the first of each month for all false alarms incidents incurred during the previous month.
- 9.3 Accompanying the monthly invoice will be a list containing the date of the false alarm, the address of the Alarm Premises and if available the Alarm Holders information.

#### Part VIII

#### 10.0 PENALTY

- 10.1 When payment of all or part of any fees and interest owing under this By-law are outstanding, the Cobourg Police Service may discontinue police response to requests for response from the *Monitoring Company* for a minimum of four (4) months from the date the invoice was issued.
- 10.2 It is the responsibility of the *Monitoring Company* to take the appropriate steps to notify all affected clients of any invoked suspension of Cobourg Police Service response.
- 10.3 Police response may still be obtained during the suspension period by the *Monitoring Company* only if specifically proven to be warranted by definite verification, i.e. multi-zone trips and/or information from someone at the scene (emergency situations).

#### 11.0 Alarm Disposition Appeal Procedure

- 11.1 The disposition of an alarm event may be appealed should information be obtained that suggests that a **false alarm** was actually a **valid alarm**.
- 11.2 The Cobourg Police Service will review all written Suspension Appeal Requests submitted by the *Monitoring Company*. Suspension Appeal Requests submitted directly to the Cobourg Police Service by an Alarm Holder or alarm company/dealer will not be accepted.

Part IX

12.0 INTERPRETATION

- 12.1 If any requirements of this By-law or the application thereof to any person shall to any extent be held to be invalid or unenforceable, the remainder of this By-law or the application of such provisions or requirement to all other persons other than those to which it is held to be invalid or unenforceable, shall not be affected thereby and it is hereby declared to be the intention of the Town of Cobourg, that each provision and requirement of this By-law shall be separately valid and enforceable to the fullest extent permitted by law.

READ a first, second and third time and finally passed in Open Council  
this 20th day of June, 2016.

  
MAYOR

  
MUNICIPAL CLERK



**Schedule A**

**SECURITY ALARM SYSTEM REGISTRATION**

**Registration Fees**

The annual fees for registration pursuant to this By-law per *alarmed premise* shall be:

Residential	\$24.00	(\$2.00 per month per <i>Alarm Holder</i> to be paid by <i>Monitoring Company</i> ) plus applicable taxes.
Commercial	\$60.00	(\$5.00 per month per <i>Alarm Holder</i> to be paid by <i>Monitoring Company</i> ) plus applicable taxes
Institutional	\$48.00	(\$4.00 per month per <i>Alarm Holder</i> to be paid by <i>Monitoring Company</i> ) plus applicable taxes
Industrial	\$60.00	(\$5.00 per month per <i>Alarm Holder</i> to be paid by <i>Monitoring Company</i> ) plus applicable taxes

**Fees for False Alarm Response by Cobourg Police:**

First False Alarm	\$0.00
Second False Alarm	\$50.00
Third False Alarm	\$50.00
Fourth False Alarm	\$50.00

**Interest** at the rate of Twelve Percent (12%) per annum shall be payable on all fees payable herein, which are not paid by the due dates, calculated from such due dates