

# The Corporation of the Town of Tecumseh

## By-Law Number 2025-019

Being a by-law to impose fees and charges for services provided by the Ontario Provincial Police on behalf of the Corporation of the Town of Tecumseh relating to reducing false security alarms in the Town of Tecumseh

**Whereas** Section 391 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (the "**Municipal Act**"), provides that a municipality may pass by-laws imposing fees and charges on persons for service or activities provided or done by or on behalf of it;

**And Whereas** Section 398 (2) of the Municipal Act provides for the addition of fees and charges imposed by the municipality or local board, respectively, to the tax roll for any property for which all of the owners are responsible for paying the fees and charges in the local municipality and collect them in the same manner as municipal taxes;

**And Whereas** Section 345 of the Municipal Act authorizes the Council of a local municipality to establish penalty and interest charges, notice as to time and notice of payment, and payment of installments and options;

**And Whereas** the number of false alarms in the Town of Tecumseh has been identified as consuming a significant quantity of Ontario Provincial Police (OPP) resources, which could be better directed to enhancing police presence in the community through the reduction of false alarms;

**And Whereas** the 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** Municipalities across Ontario are seeking to address false alarms and decrease related calls for service;

**AND WHEREAS** the Council of the Corporation of the Town of Tecumseh deems it necessary to impose fees for services of the OPP related to the reduction of false security Alarms;

**Now Therefore** be it resolved that the Council of The Corporation of The Town of Tecumseh hereby enacts as follows:

### 1. Definitions

1.1. In this By-law:

**"Alarm"** means any signal activated for the legitimate purpose of notification of a criminal act, an attempted criminal act, or any Bona Fide emergency situation occurring at a premise.

**"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.

**"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 or 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.

**"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.

**"At Fault False Alarm"** means any Alarm from an Alarm Device that prompts Police Service response to a premises where a Bona Fide emergency does not exist, or was not, on reasonable ground as determined by the Police Service, believed to exist and includes, but is not limited to, the following:

- a) the testing of an Alarm Device without police knowledge and approval;
- b) Alarms caused by negligence or carelessness of the Alarm Business or Alarm System Owner;
- c) Alarms activated due to mechanical failure or improper installation; and/or
- d) Alarms activated by internal or external atmospheric conditions, vibrations, or power surges.

**"Bona Fide"** means an emergency where there is:

- a) an attempted or completed criminal act; or
- b) any other valid emergency situation occurring at, or in relation to the premise.

**"Fees and Charges By-Law"** means a by-law passed by Council setting the fees and charges for municipal services, as may be amended from time to time.

**"Police Service"** means the Ontario Provincial Police (OPP), Tecumseh Detachment specifically contracted by the Town of Tecumseh to provide policing services or their contracted or designated successors thereof.

**"Registered Premises"** means any business, commercial, industrial, institutional, or residential premises located within the geographic boundaries of the Town of Tecumseh containing an Alarm Device which automatically notifies

the OPP and which premises have been registered with the Town of Tecumseh by the owner thereof in accordance with the provisions of this by-law.

“**Town**” means The Corporation of the Town of Tecumseh.

## **2. Voluntary Registration**

- 2.1. The Town shall maintain and/or monitor a registration system of any alarmed premises which are voluntarily registered by the Alarm System Owner (including registrations authorized and made on their behalf by their authorized designate Alarm Business) using a prescribed application form.
- 2.2. For any Alarm System Owner who wishes to register the alarmed premises, upon completion of the prescribed application, the Town will register, retain, and update information relating to the Registered Premises.
- 2.3. Registration shall be considered valid only until December 31 of each calendar year. Alarm System Owners who wish to continue their registration for a subsequent calendar year shall again complete or ensure the completion of the prescribed application.

## **3. Fees for False Alarms**

- 3.1. The Police Service will respond to two (2) At Fault False Alarms, as defined herein, to any Registered Premises during each calendar year without fee or charge to the Alarm System Owner.
- 3.2. A charge in the amount set out in the Fees and Charges By-Law will be imposed on the Alarm System Owner of any Registered Premises for a response made by the Police Service for the third At Fault False Alarm within each calendar year, and separate additional charges in the amount(s) set out in the Fees and Charges By-Law will thereafter be imposed on the Alarm System Owner for each subsequent At Fault False Alarm in the calendar year.
- 3.3. A charge in the amount set out in the Fees and Charges By-Law will be imposed on the Alarm System Owner of any premises not registered in accordance with Section 2 of this By-Law for a response made by the Police Service for each At Fault False Alarm within each calendar year. A registration in accordance with Section 2 of this By-Law made subsequent to the imposition of a charge(s) in respect of any premises not registered shall not serve to revoke those prior charges.
- 3.4. An Alarm shall not be classified as an At Fault False Alarm if, within forty-eight (48) hours of the response by the Police Service, the Alarm System Owner or an Alarm Business furnishes evidence satisfactory to the Police Service that an Alarm was caused by:
  - a) an unauthorized entry or attempted unauthorized entry into the building, structure, or facility; or

- b) an extraordinary circumstance as determined by the sole discretion of the Police Service Detachment Staff Sergeant whose decision thereof is final and binding.

#### **4. Collection of False Alarm Fees**

- 4.1. The Police Service shall provide Town Administration with the required information within 15 days of the end of each calendar month regarding At Fault False Alarm occurrences in the preceding month for invoicing and collection purposes. Required information includes, at minimum, the name of the Alarm System Owner, address, date and time of occurrence and responding Police Service Officer name/badge number.
- 4.2. Fees and charges shall be invoiced and collected by the Town. Invoices shall be dated on the date of printing and mailed within five (5) business days of the date of printing. Unless otherwise specified, all fees and charges collectable shall be due and payable at the time of invoicing.
- 4.3. In the event that the Alarm System Owner fails to pay an At Fault False Alarm charge within thirty (30) days of invoicing, the Town will take appropriate steps in relation to collection thereof which may include civil action and/or the addition of the fee or charge to the municipal tax roll for any real property in the municipality to be collected in a like manner as municipal taxes.

#### **5. Additional Regulations**

- 5.1. No person shall install, maintain or use an automatic calling device designed to transmit a message to the Police Service.
- 5.2. The Alarm System Owner shall appoint a contact person to attend the premise where the Alarm is activated, within thirty (30) minutes of the activation and to be available to allow access to the premises where an Alarm is located for inspection purposes and to answer inquiries from the Police Service.

#### **6. Validity**

- 6.1. 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.

#### **7. Enactment**

- 7.1. This By-law shall come into force and effect upon the final passage thereof.

**Read** a first, second, third time and finally passed this 11th day of February, 2025.



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Gary McNamara, Mayor

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Robert Auger, Clerk