

THE CORPORATION OF THE TOWN OF TECUMSEH

BY-LAW NUMBER 2001-48

A by-law to Impose Fees and Charges for Services or Activities provided by the Town of Tecumseh Fire/Rescue Service on behalf of The Corporation of the Town of Tecumseh related to Alarms

WHEREAS pursuant to Section 220.1 of the *Municipal Act, R.S.O. 1990, c.M.45*, as amended, the Town is authorized to 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 WHEREAS on September 21, 2000, the Police Services Board of the Town did pass a by-law to impose fees and charges for services or activities relating to Alarms and provided by the OPP on behalf of the Town;

AND WHEREAS the Council for the Town approved said by-law on October 10, 2000;

AND WHEREAS the OPP has agreed to maintain a register of Alarms of Registered Premises,

AND WHEREAS the Town's Fire/Rescue Service incurs costs when responding to At Fault False Alarms;

AND WHEREAS responses to At Fault False Alarms interferes with the ability of the Town's Fire/Rescue Service to respond to actual incidents;

NOW THEREFORE the Corporation of the Town of Tecumseh enacts as follows:

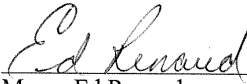
1. In this By-Law and recitals:

- (a) **"Alarm" or "Alarms"** means any form of notification to Windsor Fire Dispatch of an Emergency Situation or of an At Fault False Alarm;
- (b) **"At Fault False Alarm"** means any one of the following:
 - (i) the testing of an Alarm without prior notification to and approval of Windsor Fire Dispatch;
 - (ii) an Alarm caused by the carelessness or negligence of any person at a Registered Premise or an Unregistered Premise;
 - (iii) an Alarm caused by the mechanical failure or improper installation of any warning device; or
 - (iv) an Alarm inadvertently activated by any means, including internal or external atmospheric conditions, vibrations or power surges.
- (c) **"Emergency Situation"** means:
 - (i) an Alarm caused by an attempted or completed criminal act at a Registered Premise or an Unregistered Premise; or
 - (ii) any type of emergency occurring at or in relation to a any business or residential premises located within the geographic boundaries of the Town.
- (d) **"OPP"** means the Tecumseh Detachment of the Ontario Provincial Police;
- (e) **"Registered Premise" or "Registered Premises"** means any business or residential premises located within the geographic boundaries of the Town

- (f) containing a fire alarm which automatically notifies Windsor Fire Dispatch of an Emergency Situation and which premises have been registered with the Town by the owner thereof in accordance with the provisions of this by-law;
 - (g) **“Unregistered Premise”** or **“Unregistered Premises”** means any business or residential premises located within the geographic boundaries of the Town which are not Registered Premises;
 - (h) **“Town”** means The Corporation of the Town of Tecumseh; and
 - (i) **“Windsor Fire Dispatch”** means the Windsor Fire Dispatch, a division of the Windsor Fire and Rescue Service, an entity which provides fire dispatch services to the Town.
2. The OPP shall maintain the following:
- (a) a written record of each separate Alarm, which record shall include, without limiting generality, the date, time and location of such Alarm; and
 - (b) a written record of all Registered Premises.
3. The owner or occupier of a Registered Premise shall pay, in advance, an annual fee of ten dollars (\$10.00) for the maintenance of the register of Alarms.
4. Subject to all other provisions of this by-law, the Town's Fire/Rescue Service will respond, without charge, to all Alarms and all At Fault False Alarms.
5. Notwithstanding any other provision of this by-law:
- (a) the owner or occupier of a Registered Premise shall pay to the Town the sum of Three Hundred Dollars (\$300.00) for each At Fault False Alarm occurring after the third At Fault False Alarm in any calendar year at that Registered Premise; and
 - (b) the owner or occupier of an Unregistered Premise shall pay to the Town the sum of Three Hundred Dollars (\$300.00) for each At Fault False Alarm which occurs at such Unregistered Premise.
6. In the event of non-payment of the amounts required to be paid by the owner or occupier of a Registered Premise or an Unregistered Premise pursuant to the provisions of this by-law within 30 days of receipt of an invoice from the Town, the Town may, in addition to any other collection remedies, add the amount required to be paid to the municipal tax rolls to be collected in a like manner as municipal taxes.
7. No person shall install, maintain or use an automatic calling device designed to transmit a message to either the Town, OPP or the Town's Fire/Rescue Service.
8. The owner or occupier of each Registered Premise shall:
- (a) attend their Registered Premise when its Alarm is activated, within thirty (30) minutes of the activation; and
 - (b) allow access to the Registered Premise for inspection purposes and to answer inquiries from the OPP and/or the Town's Fire/Rescue Service.
9. Every person who contravenes any provision of this by-law is guilty of an offence, and upon conviction is liable to a fine of not more than \$2,000.00 for each offence, which fine is recoverable under the *Provincial Offences Act R.S.O. 1990, chapter P.33, as amended*.
10. Should any section, clause, paragraph or provision of this by-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the by-law as a whole or any part thereof, other than the part which was declared to be invalid.

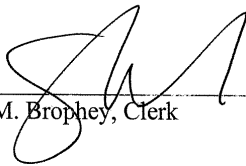
11. This by-law shall come into full force and effect upon final passing thereof.

READ a first, second and third time and finally passed this 14th day of August, 2001.



Mayor Ed Renaud

“SEAL”



S.M. Brophy, Clerk