

THE CORPORATION OF THE CITY OF BELLEVILLE

BY-LAW NUMBER 2010-40

A BY-LAW TO IMPOSE FEES FOR AUTOMATIC ALARMS (FALSE)

WHEREAS Section 391 of the Municipal Act, 2001, S.O. 2001, 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 WHEREAS the Council deems it desirable to impose fees for false fire alarms;

NOW THEREFORE the Municipal Council of the Corporation of the City of Belleville enacts as follows:

1. In this by-law:

- a) "City" shall mean the Corporation of the City of Belleville.
- b) "False alarm" means the activation of a fire alarm system or emergency system through a mechanical failure, equipment malfunction, improper use/improper installation of the system or failure to maintain the system as prescribed by the Fire Code being O.Reg. 388/97, under the Fire Protection and Prevention Act, 1997, as amended.
- c) "Fire Chief" means a fire chief appointed under subsection 6(1), (2) or (4) of the Fire Protection and Prevention Act, 1997; ("chef des pompiers") or his/her designate.
- d) "Owner" means the person, for the time being, managing or receiving the rent of the land or premises in connection with which the word is used whether on his own account or as an agent or trustee of any other person or who would receive the rent if such land and premises were let, and shall also include a lessee or occupant of the property who, under the terms of the lease, is required to repair and maintain the property in accordance with the standards for maintenance and occupancy of property;
- e) "Property" means the property defined by the municipal address.
- f) "Fiscal Year" being January to December.

2. When the Belleville Fire & Emergency Services Department responds to a false alarm, the following fees shall be payable by the owner of the property from which the alarm originated to the Corporation of the City of Belleville:
 - a) first false alarm within fiscal year - no charge – a warning notice shall be issued;
 - b) second false alarm within the fiscal year - \$250.00;
 - c) each subsequent false alarm within the fiscal year - \$500.00
3. No person shall undertake any work on any fire alarm or emergency alarm system that sends an alarm directly to the Belleville Fire & Emergency Services Department or a fire/emergency alarm monitoring company without first notifying the Belleville Fire & Emergency Services Department.
4. If a property owner fails to notify the Belleville Fire & Emergency Services Department in advance of any work being conducted on a fire alarm system or emergency system, and as a result of the work being done on a fire alarm system or emergency system an alarm is triggered, resulting in the attendance of the Fire & Emergency Services Department, the property owner shall be required to pay a fee of \$250.00.
5. The Belleville Fire & Emergency Services Department shall continue to respond to all alarms and calls for assistance notwithstanding any previous false alarm from a property or non-payment of any fee hereunder.
6. The Treasurer of the Corporation of the City of Belleville may add any amount payable under this by-law which is not paid within thirty (30) days of demand to any property in the municipality for which all the owners are responsible for paying the fees and charges and may collect them in the same manner as municipal taxes or through the use of other legal means as deemed appropriate.
7. The City shall deliver an invoice to each person upon whom a fee is imposed under this by-law and the person shall pay the fee within thirty days of receipt of the invoice.
8. Notwithstanding the provisions of this by-law, the Fire Chief or his/her designate may, at his or her discretion and under the following conditions, exempt an owner from the requirement to pay the stipulated fee:
 - a) if the owner provides suitable evidence, in the opinion of the Fire Chief, that the cause of the false alarm is being rectified; or
 - b) if the owner provides to the Fire Chief, in writing, a specific date acceptable to the Fire Chief by which time the cause of the false alarms will be rectified.

9. The City may deliver an invoice either personally, or by registered mail, or by ordinary mail to a person's home address or, in the case of a property owner, to the property owner's address as recorded on the City's assessment roll. Receipt of an invoice shall be deemed to have occurred:
 - a) on the date of delivery in the case of personal delivery
 - b) three days after mailing by registered mail if delivered to an address within the City of Belleville
 - c) five days after mailing by registered mail if delivered to an address outside of the City of Belleville
 - d) seven days after mailing by ordinary mail
10. If any section, clause or provision of this By-law is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this By-law as a whole or any part thereof other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention of Council for the City that all remaining sections, clauses or provisions of this By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof may have been declared invalid.
11. This by-law shall come into force and take effect upon the date of final passing thereof.

Read a first time this **22nd** day of **March 2010**.

Read a second time this **12th** day of **April 2010**.

Read a third time and finally passed this **12th** day of **April 2010**.

NEIL ELLIS

MAYOR

JULIE ORAM

CITY CLERK