



TOWN OF WINDSOR BYLAW # 32 ALARM BYLAW

SHORT TITLE

32.01 This Bylaw may be cited as the “Alarm Bylaw.”

DEFINITIONS

32.02 In this Bylaw:

- (a) “Alarm Coordinator” means the person appointed by the Town to administer the alarm bylaw.
- (b) “Alarm System” means any mechanical or electrical device which is designed or used for the detection of heat, smoke or fire or an unauthorized entry into a building, structure or facility or for alerting others of the commission of an unlawful act, or both, and which emits a sound or transmits a signal or message when activated, but does not include
 - (i) personal alerting devices
 - (ii) a device that is installed in a vehicle
- (c) “Alarm Monitoring Service” means a company or organization that, as part of its day to day business activities monitors one or more alarm systems for the purpose of reporting all alarms to the appropriate police or fire agency;
- (d) “Audible Alarm” means an alarm system which generates an audible sound on the premises where it is activated;
- (e) “Automatic Calling Device” means any device, or combination of devices, that will upon activation, either mechanically, electronically or by any other automatic means, initiate a telephonic or recorded message which is designed to be transmitted over regular telephone lines;
- (f) “False Alarm” means a response by the Royal Canadian Mounted Police or the Windsor Fire Department resulting from the activation of an alarm system where an emergency situation does not exist;
- (g) “Monitored Alarm System” means an alarm system where the signal of an activation or intrusion or the commission of an unlawful act or report of a fire is received by a third party;
- (h) “Owner” includes an occupant, lessee or person having possession or control of the property in question and also includes prima facie the

person whose name appears on the assessment roll for the Town as the assessed owner;

- (i) "Personal Alerting Device" means any device carried on one's person that when activated is designed to emit a sound or transmit a signal or message;
- (j) "Town" means the Town of Windsor.

OWNER'S RESPONSIBILITIES

32.03 The owner or occupier of real property shall be responsible for the proper use, installation, maintenance and operation of any security alarm system or fire alarm system installed on or in the real property in order to ensure the prevention of false alarms.

32.04 Every owner or occupier of real property who uses a security alarm system or fire alarm system must maintain a current list of at least three persons with the Alarm Monitoring Service who will be known as Contact Persons. The list of Contact Persons shall include the names, addresses and telephone numbers of each Contact Person.

CONTACT PERSONS

32.05 The Contact Persons whose names are provided pursuant to Section 4 must be persons who are:

- (a) available to receive telephone calls from the Alarm Monitoring Service in the event of an alarm incident;
- (b) able to attend at the address of the alarm incident within fifteen (15) minutes in the case of a fire alarm and thirty (30) minutes in the case of all other types of alarms after being requested to do so by the Alarm Monitoring Service on behalf of the Royal Canadian Mounted Police or Windsor Fire Department;
- (c) capable of affording the Windsor Fire Department or Royal Canadian Mounted Police access to the premises where the alarm incident is located; and
- (d) capable of operating the alarm system and able to safeguard the premises.

AUDIBLE ALARM SYSTEMS

32.06 (1) Except for an alarm system designed or used to detect heat, smoke or fire, no person shall install, maintain or use an audible alarm that is capable of being sounded outside of the premises continually for a period of greater than fifteen minutes after each separate activation.

FALSE ALARMS

32.07 (1) An owner shall not cause, permit, suffer or allow more than one (1) false alarm for the Winsor Fire Department and two (2) false alarms for the

Royal Canadian Mounted Police to emanate from a location during any consecutive twelve month period.

- (2) Alarms activated in the following manner are hereby deemed not to be false alarms:
- (a) any alarm which the owner can demonstrate was caused by the action of some other person other than:
 - (i) the owner or the owner officers, agents, employees, independent contractors or any other person subject to the direct or indirect control of the owner,
 - (ii) the person who installed, connected, operated, maintained or serviced the alarm system, or
 - (iii) the manufacturer of the alarm system, including the manufacturer's officers, agents, employees, independent contractors or any person subject to the direct or indirect control of the manufacturer;
 - (b) where the owner can demonstrate that the alarm was caused by a storm, lightning, earthquake or other violent act of nature; and
 - (c) where the Alarm Coordinator is satisfied that the occurrence is isolated and due to a mechanical or electrical failure that has since been corrected by a qualified contractor or installer, proof of which has been provided.

NOTIFICATION TO OWNERS

- 32.08**
- (1) Upon the first occurrence for the Windsor Fire Department and second occurrence for the Royal Canadian Mounted Police, of a false alarm, a notice will be provided to the owner of the subject real property that a false alarm has occurred and the fees to be imposed for any subsequent false alarms.
 - (2) The notice required by this section shall be in writing and delivered by hand or regular mail to the subject property or the address set out in the tax roll for the owner. A notice sent in accordance with this section shall be deemed to have been received.

FEE FOR FALSE ALARMS

- 32.09**
- (1) On the accordance of a second false alarm for the Windsor Fire Department and a third false alarm for the Royal Canadian Mounted Police and each subsequent false alarm during any consecutive twelve month period, there shall be a fee charged for each such occurrence as follows:
 - (a) For a second false alarm for the Fire Department and a third for the Police a fee of \$ 100.00;
 - (b) For a third for the Fire Department and fourth for the Police and each subsequent false alarm a fee of \$ 200.00.

- (2) Where a fee is charged in accordance with this bylaw, the Town shall invoice the owner of the real property.
- (3) An invoice issued under this bylaw shall be due upon receipt and payable to the Town.
- (4) Any fees remaining unpaid and outstanding for more than 30 days along with any outstanding interest at a rate set from time to time by Council may be added to and from part of the taxes payable on the real property as taxes in arrears. All rights and remedies relating to the collection and recovery of real property taxes under the *Municipal Government Act* shall equally apply to any fees remaining unpaid herein.
- (5) All fees collected become the property of the Town.

AUTOMATIC CALLING DEVICES

- 32.10** (1) No person shall use, maintain or install, or permit the use, maintenance or installation of any automatic calling device which is programmed to transmit a message to any telephone number assigned to the Royal Canadian Mounted Police and or the Windsor Fire Department or any dispatch or communication center responsible for the receiving and dispatching of alarm calls to these agencies.

MONITORED ALARM SYSTEMS

- 32.11** (1) When a third party is responsible for monitoring an alarm system for intrusions only, that third party shall verify that the alarm activation is not accidental by contacting the premise where the alarm is installed prior to notifying the appropriate police agency. If a police agency is dispatched prior to verification, there will be no waiver of fee if the call is cancelled subsequent to police being dispatched.

PENALTY

- 32.12** (1) A person who contravenes any provision of this bylaw shall upon summary conviction be liable to a minimum penalty of \$ 100.00 and a maximum penalty of \$ 5,000.00, and in wilful default of payment of the penalty the offender may be imprisoned for a maximum period not exceeding ninety days.
- (2) Every day during which a contravention of or failure to comply with the bylaw continues is a separate offence.
- (3) A party alleged to have violated this bylaw and given notice of the alleged violation, may pay a penalty in the amount of \$ 100.00 to the Town at the place of payment specified on the notice; provided that said payment is made within a period of fourteen (14) days following the date of the notice, and such payment shall be in full satisfaction, releasing and discharging all penalties and imprisonment incurred by the party for said violation, but does not extinguish any debts arising pursuant to section 7 of the bylaw.

APPLICATION

32.13 This bylaw applies to all alarms in use within the Town whether installed before or after the coming into force of this bylaw.

Clerk's Annotation for Official By-Law Book

Date of first reading of by-law: April 26, 2005

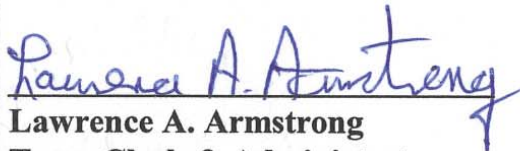
Date of advertisement of Notice of Intent to Consider: May 11, 18, 2005

Date of second reading of by-law: May 30, 2005

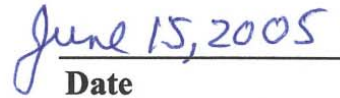
***Date of advertisement of Passage of By-Law: June 15, 2005**

Date of mailing to Minister a certified copy of By-Law: June 15, 2005

I certify that this ALARM BY-LAW was adopted by Council and published as indicated above.



**Lawrence A. Armstrong
Town Clerk & Administrator
Town of Windsor**


Date