



## OWEN SOUND POLICE SERVICES BOARD

Expires: Indefinite

Repeals: 1989-02, 2000-01, 2005-01, 2017-01

Revisions: February 21, 2024

### **BY-LAW NO. 2024-02**

## **A BYLAW TO CONTROL THE INCIDENCE OF FALSE ALARMS WITHIN THE CITY OF OWEN SOUND**

**WHEREAS** the Board passed bylaw 2017- 01 on the 1<sup>st</sup> day of August 2017; and

**WHEREAS** the Board deems it necessary to review bylaw 20 2017-01 in accordance to the provisions of the Municipal Act S.O. 2001; and

**WHEREAS** the incidence of false alarms impedes the effective protection of the community by occupying police resources which are thereby delayed in their response to real needs; and

**WHEREAS** the Owen Sound Police Services Board is responsible for the provision of Police Services in the City of Owen Sound; and

**WHEREAS** the Board may by bylaw provide for the effective management of Police Services; and

**WHEREAS** the Board may regulate, by bylaw, certain activities within the City of Owen Sound, pursuant to the Municipal Act.

**NOW THEREFORE THE OWEN SOUND POLICE SERVICES BOARD ENACTS THE FOLLOWING BYLAW TO CONTROL THE INCIDENCE OF FALSE ALARMS WITHIN THE CITY OF OWEN SOUND.**

1. **Definitions:**

In this bylaw, unless the context otherwise specifies:

- a) **"Alarm"** means any mechanical or electrical device which is designed or used for the detection of unauthorized entry into any building, structure, or facility or for alerting others to the commission of an unlawful act, or both, and which emits a sound or transmits a signal or message when activated.
- b) **"Alarm System"** means an alarm or all alarms which:
  - i) are within an enclosed physical area; and
  - ii) can be turned on or off independently of other alarms from an operating control.
- c) **"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.
- d) **"False Alarms"** includes but is not limited to an alarm activated unnecessarily, or improperly, resulting in a police response and includes:
  - i) the testing of an alarm without notifying the Chief of Police or designate.
  - ii) an alarm actually or apparently activated by mechanical failure, malfunction or faulty equipment.
  - iii) an alarm activated accidentally by the owner of the premises and agent or employee.

BUT does not include:

- iv) any alarm which the owner can demonstrate was caused by a storm, lightning, earthquake, or any other act of God or by a telephone system failure or power failure.
- v) any alarm which the owner can demonstrate was actually caused by the act of some other person other than:
  - a) The owner, agents, employees, independent contractors or any other person subject to the direct or indirect control of the owner;
  - b) The person who installed, connected, operated, maintained or serviced the alarm system; or
- vi) a device that is installed in a vehicle.
- e) **"Owner"** for the purposes of this By-law shall include the owner, occupier or lessee or person acting permanently or temporarily as owner, occupier or lessee of premises where an alarm system is installed.

2. **Fines:**

- a) No owner shall cause or permit a public nuisance by causing or permitting a false alarm on more than one (1) occasion in any calendar month.
  - b) Any owner contravening this section is guilty of an offense and liable to a fine of \$25.00.
  - c) Any owner who commits a third offense within any calendar month commits a subsequent offense and is liable to an increased penalty of \$100.00.
  - d) Any owner who cancels an alarm call after an Officer has been dispatched to the scene is liable for a fine of \$25.00 per cancelled call.
- (1) No person shall install, maintain or use an audible alarm that is capable of being sounded continuously for a period of greater than fifteen (15) minutes after each activation.
- (2) No person shall install, maintain or use an automatic calling device designated to transmit a message to the Owen Sound Police Service.
- (3) The Owner shall:
- a) be available at any time to receive calls from a member of the Owen Sound Police Service in respect of an alarm.
  - b) be capable of obtaining or allowing access to the premises where the alarm is located.
  - c) attend the premises where the alarm is located, within thirty (30) minutes of being requested to do so by a member of the Owen Sound Police Service, following the activation of the alarm.
  - d) identify, where there is more than one alarm system within a building, which alarm system has experienced an activation of an alarm.
- (4) Where an alarm system persistently signals false alarms and in the opinion of the Chief of Police or designate is unreliable, the Chief may direct that the owner provide confirmation of an alarm before dispatching a Police response.
- (5) The Owen Sound Police Service will not respond to alarm calls received by means of an automatic calling device.

3. **Penalties:**

Any person convicted of a breach or violation of any of the provisions, sections, or sub-sections of this By-law shall forfeit and pay, at the discretion of the convicting Justice of the Peace or Magistrate, a penalty not exceeding the sum of one thousand dollars (\$1,000.00), exclusive of costs, for each offence and such penalty shall be recoverable under the provisions of the Provincial Offences Act, R.S.O. 1990 and amendments thereto or any Act replacing same.

#### **4. BYLAWS REPEALED**

Bylaw 1989-02, 2000-01, 2005-01 & 2017-01 are hereby repealed.

This By-law 2024-02 shall come into full force and effect upon the final passing hereof.

Read a first and second time this 31 day of January 2024.

Read a third and finally passed this 21 day of February 2024.

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John Thomson, Chair

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Kayla Wardell, Executive Assistant