



**CORPORATION OF THE CITY OF KINGSTON**

**Ontario**

**By-Law Number 2014-26**

**A By-Law To Impose Fees For Automatic Alarms (False)**

**Passed:** January 21, 2014

**“False Alarm By-law”**

**As Amended By By-Law Number:**

By-Law Number:      Passed on:

**(Office Consolidation)**

**City Of Kingston By-Law Number 2014-26**

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**City Of Kingston By-Law Number 2014-26**

**A By-Law To Impose Fees For Automatic Alarms (False)  
“False Alarm By-law”**

**Passed:** January 21, 2014

**Whereas** section 2 of the *Fire Protection and Prevention Act 1997*, S.O. 1997, c. 4, as amended, authorizes a municipality to establish a Fire Department to provide firefighting and fire protection services and for participating in an emergency fire services program;

**And Whereas** the Corporation of the City of Kingston has established a Fire Department to deliver firefighting and related emergency services;

**And 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 the municipality and for the use of the municipality’s property, including property under its control;

**And Whereas** the Council of the Corporation of the City of Kingston deems it desirable to impose fees for false fire alarms;

**Now Therefore** the Council of the Corporation of the City of Kingston hereby enacts as follows:

**1. Short Title:**

1.1 This By-law may be cited as the “False Alarm By-law”

**2. Definitions:**

2.1 In this By-law:

- a) “Alarm Monitoring Service” shall mean the business, by an individual, partnership, corporation, or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, installing or monitoring an alarm device and reporting the occurrence of alarms to the Fire Service.
- b) “City” shall mean the Corporation of the City of Kingston.
- c) “False Alarm” shall mean 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*, S.O. 1997, c. 4, as amended.
- d) “Fire Alarm System” shall mean a combination of devices designed to warn building occupants of an emergency condition.

**Definitions cont'd:**

- e) "Fire Chief" shall mean a fire chief appointed under subsection 6(1), (2) or (4) of the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4, as amended, or his/her designate.
- f) "Fiscal Year" shall mean the twelve month period between January 1 and December 31 inclusive.
- g) "Occupant" shall mean any person or persons who appear to be in possession of the property.
- h) "Owner" shall mean the Business Owner, Property Owner or Property Manager, or the person who at any time manages or receives 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;
- i) "Person" shall include a corporation and organization as well as an individual;
- j) "Property" shall mean the property defined by the municipal address and includes buildings or structures or part of a building or structure and the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, and out-buildings.

**3. Application:**

- 3.1 This By-law shall apply to all Property within the jurisdiction of the City of Kingston.

**4. Administration:**

- 4.1 The Fire Chief is responsible for the administration of this By-law on behalf of the City, including the review of applications for False Alarm Fee Rebates.

**5. Responsibilities Of Owners And Occupants:**

- 5.1 Every Owner and Occupant of Property shall be responsible for the proper use, installation, maintenance and operation of any Fire Alarm System installed on or in the Property in order to ensure the prevention of False Alarms.
- 5.2 Every Owner or Occupant of Property that has a Fire Alarm System shall provide to the Alarm Monitoring Service a current list of at least three persons who will be known as Contact Persons. The list of Contact Persons shall include the names, addresses and telephone numbers of each Contact Person.

## 6. Contact Persons

- 6.1 The Contact Persons whose names are provided pursuant to Section 5.2 must be persons who are:
- a) Available to receive telephone calls from the Alarm Monitoring Service and/or Kingston Fire and Rescue in the event of an alarm incident;
  - b) Able to attend at the address of the alarm incident within a reasonable time frame after the activation of a fire alarm upon the request of the Alarm Monitoring Service on behalf of Kingston Fire and Rescue;
  - c) Capable of affording Kingston Fire and Rescue access to the Property where the alarm incident occurred; and
  - d) Capable of operating the Fire Alarm System and able to safeguard the Property.

## 7. False Alarm

- 7.1 When Kingston Fire and Rescue responds to a False Alarm, the Owner or Occupant of the Property from which the False Alarm originated shall be required to pay to the Corporation of the City of Kingston the prescribed fee, payable in accordance with Schedule 'A' of By-Law Number 2005-10, "A By-Law to Establish Fees and Charges to be Collected by The Corporation of the City of Kingston", as amended.
- 7.2 No Person shall undertake any work on any Fire Alarm System that sends an alarm directly to Kingston Fire and Rescue or a fire Alarm Monitoring Service without first notifying the Kingston Fire and Rescue communications centre.
- 7.3 If an Owner fails to notify Kingston Fire and Rescue in advance of any work being conducted on a Fire Alarm System and as a result of the work being done on a Fire Alarm System an alarm is triggered that results in a response by Kingston Fire and Rescue, the Owner shall be required to pay to the Corporation of the City of Kingston the prescribed fee, payable in accordance with Schedule 'A' of By-Law Number 2005-10, "A By-Law to Establish Fees and Charges to be Collected by The Corporation of the City of Kingston", as amended.
- 7.4 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 (30) days of receipt of the invoice.
- 7.5 The City may deliver an invoice personally, by registered mail, or by regular mail to a person's home address or, in the case of the Owner, to the Owner's address as recorded on the City's assessment roll.

**False Alarm cont'd**

- 7.6 Receipt of the invoice shall be deemed to have occurred:
- a) on the date of delivery, if delivered personally;
  - b) three (3) business days after the date of mailing, if delivered by registered mail to an address within the City of Kingston;
  - c) five (5) days after the date of mailing, if delivered by registered mail to an address outside of the City of Kingston;
  - d) five (5) days after the date of mailing if delivered by regular mail to an address within the City of Kingston;
  - e) seven (7) days after the date of mailing if delivered by regular mail to an address outside of the City of Kingston.
- 7.7 If any amount payable under this By-law remains unpaid after thirty (30) days of receipt of the invoice, the City may add such amount to the tax roll for any Property in the municipality for which all the Owners are responsible and may collect the amount in the same manner as municipal taxes or through the use of other legal means as deemed appropriate.
- 7.8 Kingston Fire and Rescue 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.

**8. False Alarm Fee Rebate**

- 8.1 Where a Person who has paid a fee for a False Alarm has made improvements to the Fire Alarm System or in some other way has taken steps to ensure that False Alarms do not occur at the Property at which the False Alarm occurred, that Person may apply to Kingston Fire and Rescue for a rebate of the fee.
- 8.2 An application for a fee rebate must be made in writing, demonstrating the steps taken to eliminate False Alarms. The application must be within the same Fiscal Year as the fee was applied.
- 8.3 Where Kingston Fire and Rescue is satisfied that the improvements or other steps taken by an applicant for a fee rebate are likely to decrease the likelihood of a False Alarm, it may in its sole discretion provide a rebate of up to 50% of the fees already paid by that Person.

**9. Stand By Fee**

- 9.1 Where Kingston Fire and Rescue responds to a False Alarm and the Owner or Occupant does not provide access to the interior of a building on the Property within 30 minutes of the arrival of Kingston Fire and Rescue at the Property, the Owner or Occupant may be required to pay to the Corporation of the City of Kingston, in addition to the False Alarm fee, an additional prescribed stand by fee, payable in accordance with Schedule 'A' of By-Law Number 2005-10, "A By-Law to Establish Fees and Charges to be Collected by The Corporation of the City of Kingston", as amended

**Stand By Fee cont'd:**

9.2 If an Owner or Occupant has installed a lock-box in an accessible location at the Property and if that lock-box contains current keys or codes to provide access to a building on the Property, a Person or key-holder does not have to be present to satisfy the access requirements as set out herein.

**10. Validity**

10.1 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 the Council of the Corporation of the City of Kingston 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. Commencement**

11.1 This By-law shall come into force and take effect on the day that it receives third reading and is passed.

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