

## **PROTECTION**

### **Chapter 911 FALSE ALARMS - REGULATION**

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## **Article 1 TITLE AND SCOPE**

### **911.1.1 Title and scope**

This Chapter shall be known and cited as the “False Alarms Chapter” and shall apply to the whole geographic limits of the City of Orillia. In the text of this Chapter, it is referred to as “this Chapter”.

## **Article 2 DEFINITIONS**

### **911.2.1 Alarm - defined**

“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.

### **911.2.2 Alarm system - defined**

“alarm system” means an alarm or all alarms which are within an enclosed physical area, and can be turned on or off independently of other alarms from an operating control.

### **911.2.3 Automatic calling device - defined**

“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 telephone or recorded message which is designed to be transmitted over regular telephone lines.

### **911.2.4 City - defined**

“City” means the Corporation of the City of Orillia.

### **911.2.5 False alarm - defined**

“false alarm” includes but is not limited to, an alarm activated unnecessarily, or improperly, resulting in a police response and includes an alarm:

- (a) actually or apparently activated by mechanical failure, malfunction or faulty equipment;
- (b) activated accidentally by the owner of the property, his agent or employee.

For the purpose of clarity, a “false alarm” does not include:

- (a) any alarm which the owner of the property can demonstrate was actually caused by the act of some person other than:
  - (i) the owner, agent’s 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 manufacture 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.

### **911.2.6 Officer - defined**

“Officer” means a Municipal By-law Enforcement Officer or Police Officer.

**911.2.7 Owner of the property - defined**

“owner of the property” means the registered owner of the property at which the alarm was activated and, in the case of a condominium, shall mean the condominium corporation or a person authorized to act on behalf of the corporation.

**911.2.8 Property - defined**

“property” means a parcel of land which can be legally conveyed pursuant to the *Planning Act* and includes any buildings and structures thereon.

**Article 3  
GENERAL PROVISIONS****911.3.1 Automatic calling device - transmit directly to police - prohibited**

No person shall install, maintain or use an automatic calling device designated to transmit a message to the Ontario Provincial Police.

**911.3.2 Agency - requirement to verify alarm**

The agency having responsibility of monitoring alarms, shall verify by suitable means, the validity of an alarm received at the monitoring location prior to contacting the Ontario Provincial Police for a response.

**911.3.3 Owner - alarm responsibilities**

The owner of the property, or agent shall:

- (a) Be available at any time to receive calls from a member of the Ontario Provincial Police 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 the member of the Ontario Provincial Police following the activation of the alarm; and
- (d) Identify, where there is no more than one alarm system within a building, which alarm system has experienced an activation of an alarm.

**911.3.4 Owner - false alarms - fees**

(a) The owner of the property to which the services of the Ontario Provincial Police are provided in response to a false alarm shall pay to the City, the following fees:

- (i) For the first false alarm in a calendar year, there shall be no fee;
- (ii) For the second false alarm in a calendar year, there shall be no fee;
- (iii) For the third and each subsequent false alarm in a calendar year, the fee shall be \$200.00.

(b) For the purpose of clarity, false alarms which occur in a new calendar year shall not be affected by false alarms which occurred in a previous calendar year when determining fees for service.

**911.3.5 Notice to owner - false alarms**

The City may send a notice to the owner following the second false alarm, advising that the charge for each subsequent false alarm shall be \$200.00.

**911.3.6 Fees - unpaid - interest**

Fees arising in accordance with this Chapter that remain unpaid after 30 days may bear interest at the rate of 1.25% per month until paid in full.

**911.3.7 Fees - unpaid - taxes**

Fees owing in accordance with this Chapter that are unpaid are a debt to the City and together with all interest and penalties accrued thereupon, may be collected by the City by way of action or may be collected by an authorized agent on behalf of the City or may be collected in the same manner as municipal taxes.

**Article 4  
ENFORCEMENT****911.4.1 Enforcement**

A Municipal By-law Enforcement Officer or Police Officer is hereby vested with the authority of enforcing the provisions of this Chapter.

**911.4.2 Hinder or Obstruct**

No person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this Chapter, or any person lawfully acting in aid of such an Officer. Without limiting the generality of the meaning of "hinder" or "obstruct", a person shall be deemed to have obstructed or hindered an Officer in the execution of their duties if he or she:

- (a) provides false information to an Officer; or
- (b) is alleged on reasonable and probable grounds to have contravened any of the provisions of this Chapter, and fails to identify themselves to an Officer upon request.

**911.4.3 Penalties**

- (a) Any person who contravenes any of the provisions of this Chapter is guilty of an offence and upon conviction is liable to a fine or penalty as provided for in the *Provincial Offences Act*.
- (b) Where a section of this Chapter has been contravened, a director or officer of a corporation who knowingly concurs in the contravention is guilty of an offence.
- (c) Upon conviction, in addition to any other remedy and to any penalty imposed by this Chapter, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted.

**911.4.4 Validity and severability**

Every provision of this Chapter is declared severable from the remainder and if any provision of this Chapter shall be declared invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder.

**911.4.5 Rebuttable presumption - identification**

In a prosecution for a contravention of this Chapter, evidence of identification shall be presumed to be correct and accurate, unless rebutted by evidence to the contrary.

**Adopting By-law:** 2013-142, 9 December 2013.

**By-law Amendments:** By-law 2017-14; 13 February 2017.