

FALSE ALARM REDUCTION BY-LAW

BOARD RECOMMENDATION

That Council approve the False Alarm Reduction By-law adopted by the Ottawa-Carleton Regional Police Services Board.

DOCUMENTATION:

1. False Alarm Reduction By-law immediately attached.
2. Chief of Police report dated 10 Mar 98 available from the Regional Clerk's Department.
3. Chief of Police report dated 12 Feb 98 available from the Regional Clerk's Department.
4. Extracts of Ottawa-Carleton Police Services Board Minutes of 23 Feb 98 and 23 Mar 98 are attached and include a record of all votes.

Ottawa-Carleton Regional Police Services Board
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BEING A BY-LAW of the Regional Municipality of Ottawa-Carleton Police Services Board establishing a system for the registration of security alarm systems and reduction of false alarms.

WHEREAS the Police Services Board is responsible for the provision of police services within the Regional Municipality of Ottawa-Carleton;

AND WHEREAS the Police Services Board may, by by-law, make rules for the effective management of the police force, pursuant to section 31(6) of the *Police Services Act*;

AND WHEREAS the Police Services Board may pass by-laws imposing fees or charges for services or activities provided by or on behalf of it, pursuant to section 220.1(2) of the *Municipal Act*, as amended by the *Savings and Restructuring Act, 1996*;

AND WHEREAS the number of false alarms in Ottawa-Carleton has been identified as consuming a significant quantity of police resources which could be better directed to enhancing the police presence in the community;

AND WHEREAS the registration of Security Alarm Systems is an integral part of the strategy to reduce the number of false alarms in Ottawa-Carleton and to enhance officer safety;

NOW THEREFORE the Ottawa-Carleton Regional Police Services Board enacts as follows:

DEFINITIONS

1. In this by-law:
 - a) **“Alarm Administrator”** means the person appointed by the Chief of Police pursuant to section 3 of this by-law;

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- b) **“Alarm Incident”** means the activation of a Security Alarm System and the direct or indirect reporting of the activation to the Police Service;
- c) **“Alarm Registration Certificate”** means a certificate issued pursuant to section 7 of this by-law;
- d) **“Chief of Police”** means the Chief of Police of the Ottawa-Carleton Regional Police Service, or his or her designate;
- e) **“False Alarm”** means an Alarm Incident where there is no evidence that an unauthorized entry or unlawful act has been attempted or made into, on or in respect of a building, structure or premises and includes, but is not limited to:
 - i) the activation of a security alarm system during its testing;
 - ii) a security alarm system activated by mechanical failure, malfunction or faulty equipment;
 - iii) a security alarm system activated by atmospheric conditions, vibrations or power failure;
 - iv) a security alarm system activated by user error.
- f) **“Registration Certificate Holder”** means the person or entity in possession of a valid alarm Registration Certificate;
- g) **“Police Service”** means the Ottawa-Carleton Regional Police Service;
- h) **“Security Alarm System”** means an assembly of mechanical or electrical devices which is designed or used for:
 - i) the detection of entry into or damage to a building, structure or premises and which emits sound or transmits a sound, signal or message when activated, but does not include a device that is

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installed in a “motor vehicle” or “motor home” as those terms are defined in the *Highway Traffic Act*; or

- ii) the transmission of a manually activated emergency signal to an alarm monitoring company, but does not include a device designed to alert in case of medical emergency.

GENERAL REQUIREMENTS

Alarm Registration

2. The Chief of Police shall establish a Security Alarm System Registry.
3. There shall be an Alarm Administrator who shall be appointed by the Chief of Police. The Alarm Administrator shall maintain and administer the Security Alarm System Registry and carry out such other duties in respect of this by-law as assigned by the Chief of Police.
4. Every owner or occupant (“Applicant”) of premises on which is installed a Security Alarm System shall apply to have that Security Alarm System registered with the Police Service on the form provided for that purpose by the Chief of Police. Every application for registration shall contain the names, addresses and telephone numbers of:
 - a) an alarm monitoring company; or
 - b) at least three persons who may be contacted in the event of a security alarm system activation.
5. The alarm monitoring company or the persons whose names are provided pursuant to subsection 4(b) shall be:

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- a) available to receive telephone calls from the police in the event of an Alarm Incident;
 - b) able to attend at the address of the Alarm Incident within 30 minutes of being requested to do so by the police;
 - c) capable of affording police access to the premises where the Security Alarm System is installed; and
 - d) capable of operating the Security Alarm System and able to safeguard the premises.
6. The Applicant shall ensure that the information required by section 4 is accurate and shall notify the Alarm Administrator forthwith, in writing, of any changes in the information.
 7. Upon receipt of the completed application and payment of the prescribed fee, the Alarm Administrator shall cause the Security Alarm System to be entered on the Police Service's Alarm Registry and shall issue an Alarm Registration Certificate. The prescribed registration fee is set out in Schedule "A" to this by-law.
 8. No person shall be deemed to have been issued an Alarm Registration Certificate until the Chief of Police has issued the Alarm Registration Certificate. An application for an Alarm Registration Certificate shall not be deemed to constitute an Alarm Registration Certificate.
 9. An Alarm Registration Certificate that has been granted shall be issued in the name of the person or entity occupying the premises in which the Security Alarm System is installed.
 10. An Alarm Registration Certificate shall not be assigned or transferred.

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11. If a label or decal is issued with or assigned to an Alarm Registration Certificate, it shall be affixed in a visible location on the outside of the premises on which is installed the Security Alarm System.

FALSE ALARM REDUCTION

12. Where the Police Service is required to attend at a building, structure or premises as a result of an Alarm Incident that is a False Alarm, a fee of Sixty Dollars (\$60.00) shall be charged to the Registration Certificate Holder for the Security Alarm System responsible for the False Alarm.
13. Where an Alarm Registration Certificate has not been issued for the Security Alarm System responsible for the False Alarm, the appropriate registration fee, calculated in accordance with Appendix A, shall be added to the charge imposed pursuant to paragraph 12. Upon payment of this fee and any outstanding amounts incurred as a result of a False Alarm, the Chief of Police shall cause the Security Alarm System to be entered in the Security Alarm System Registry and an Alarm Registration Certificate shall be issued.
14. Any collection costs for fees or charges imposed pursuant to this by-law that are due and unpaid shall be added to the outstanding amount.
15. Any fees or charges imposed pursuant to this by-law may be added to the tax roll for any real property, all of the owners of which are responsible for paying such fees and charges, and may be collected in like manner as municipal taxes.
16. Schedule "A" is attached to and forms part of this by-law.
17. The requirements of this by-law are severable. If any requirements of this by-law are held invalid, the application of such requirements to other circumstances and the remainder of this by-law shall not be affected.

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18. This by-law is not to be construed at any time in such a fashion as to hold the Police Service or its officers liable for failing to ensure that persons comply with the provisions of this by-law.
19. The Regional Municipality of Ottawa-Carleton Police Services Board By-law No. 3 of 1996 is hereby repealed.
20. This by-law shall come into force and take effect on the date of the passing thereof.

SHORT TITLE

21. This by-law may be cited as the "**False Alarm Reduction By-law**".
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APPENDIX "A"

FEE SCHEDULE

Registration:

Residential	\$26.00
Small commercial (under 2,000 square feet)	\$26.00
Large commercial (over 2,000 square feet)	\$52.00

Extract of Minute
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FALSE ALARM REDUCTION POLICY REVIEW

- Chief's report dated 12 Feb. 98

Supt. P. Cuthbert explained the report represents staff's recommendations for changes to the Ottawa-Carleton Police Services Board By-law 3 of 1996. These recommendations are the result of extensive consultation with the alarm industry, alarm subscribers, other police services and organizations throughout Ottawa-Carleton. Staff believe the proposed changes reflect the wishes of the majority of the community while preserving the ability of the Police Service to achieve its goals.

Member Buckingham was skeptical of the Police Service's ability to maintain the database without a mechanism to force the update of information. Supt. Cuthbert indicated this is a concern. He envisions the need to do regular massive mail-outs in an effort to obtain up-to-date information.

Ms. Buckingham noted that in Metro Toronto, the police don't keep a database and wondered why staff had not considered a similar model for Ottawa-Carleton. Sgt. J. Ferguson stated staff looked at the Metro Toronto model as well as many others around the country but decided not to follow Metro Toronto's example because of some of the procedures they use. He explained the Metro Police bill the alarm company directly and if the company doesn't pay the bill, the police suspend service to all of that company's customers. He added that after four false alarms, Metro Toronto suspend service for a full year. In response to a further question from Ms. Buckingham, Sgt. Ferguson indicated the proposed policy is a combination of what staff believed to be the best elements of all the policies staff studied.

Member Buckingham questioned the provisions for area municipalities to license alarm companies. D. White, RMOC Legal Department, indicated the *Municipal Act* allows local municipalities to license businesses operating within their jurisdiction. Ms. Buckingham noted local municipalities already have an infrastructure in place for licencing and she wondered if they had been approached about working cooperatively to put in place licensing provisions for alarm companies. Mr. White believed it was in the best interest of the Ottawa-Carleton Police Service and of residents that there be uniformity in the practices and requirements across the Region, and that this would be best achieved by the proposed recommendation 5(b).

Member Buckingham inquired what impact the by-law would have on subsequent budgetary estimates should it be successful in reducing false alarms. Ms. Frazer explained there would be a reduction in the net revenue generated. On the other hand, she noted it would free-up resources to deal with other issues. Supt. Cuthbert acknowledged the

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Police Service would like to be out of business on this issue and explained the goal of the policy is not to generate revenue but to recover costs and reduce the number of false alarms.

Vice Chair Kreling wondered whether the Police would levy some sort of fee in cases where they respond to an unregistered alarm but it is not a false alarm. Supt. Cuthbert stated the police have no intention of charging for responding to a valid alarm. The councillor also wondered if there would be a mechanism in place to determine how long the Police Service will wait before forwarding unpaid invoices to a collection agency. Supt. Cuthbert indicated that would be part of the policy. Vice Chair Kreling inquired if there would be reference in the policy with respect to encouraging the use of private security guard companies. Sgt. Ferguson acknowledged that it is always a person's option to have a private guard service respond, but indicated the majority of people would prefer police response in the first instance.

Member Boudreau believed that licensing and regulating alarm companies is critical. She felt it was important for people to contact their MPP's and local Councils to request the necessary legislative changes. She believed the publicity generated by this issue is already leading to some responsible action on behalf of the alarm companies.

Insp. R. Erfle indicated the issue of licensing alarm companies and holding them accountable has been debated since 1989 as result of an Ontario Association of Chiefs of Police (OACP) initiative, which resulted in a Security Alarm Act being tabled at the provincial level. It is a very complex initiative because of the different municipal standards and because these alarm companies operate in numerous municipalities. To date, no further action has been taken with regard to the proposed Security Alarm Act.

Mr. Brian McGurrin, a member of the public, supported the idea of cost-recovery but was opposed to a registration system. He believed that charging people who cause false alarms would remedy the problem. He maintained that better statistics should be kept so the police can monitor the success of the policy and determine the real source of the problem. Mr. McGurrin sustained there are too many unanswered questions surrounding this issue. He questioned the value of a database that would not be systematically updated. He argued the large majority of residential security alarms are owned by seniors who buy them not because they can afford them, but because they feel at risk. He concluded the 44% of alarm owners who did not pay their registration fee should be considered as opposed to this by-law.

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Sgt. Ferguson responded to some of the comments made by the speaker, indicating one of the reasons for the database is to enable the Police Service to produce some of the statistics mentioned by Mr. McGurrin.

Member Buckingham put forward a motion for deferral of any decision on the Alarm System Policy until area municipalities have been consulted on their willingness to implement a licencing provision for alarm companies. She felt the goal is to reduce the number of false alarms and the key mechanism for doing that is to have standards for alarm companies. Since a licencing mechanism already exists through the area municipalities, she believed it would be beneficial to take a bit of time to approach the municipalities and work with them to achieve that goal.

Vice Chair Kreling appreciated the intent of the motion but believed the *Municipal Act's* provision for municipal licencing of companies is a general provision that is used primarily to ensure adherence to zoning by-laws. He postulated what staff are recommending would be much more specific and detailed than what the municipalities would have at their disposal. He noted the by-law has now been in abeyance since the summer of 1997 and has been taken through various stages of public consultation. He argued that people will provide ideas for as long as it is kept in the public consultation domain. He believed the recommendations before the Board were generally accepted by the public. In addition to requesting the Ontario Association of Police Services Boards to lobby the provincial government to enact legislation, he believed the Board should address the province directly to make its request.

Chair Chiarelli did not believe the public was in support of the policy. He felt it was revenue generation and he opposed it. He requested the recommendations be voted on individually and wondered whether Regional Council approval is required on this issue. Chair Vice agreed to separate the recommendations and indicated the by-law, once approved by the Board, will be going forward for Council approval.

Councillor Legendre wished to confirm that the police would respond to an alarm in an unregistered residence. He did not believe there was a rationale for registration since there will be no annual updates. He believed the policy borders on a fee-for-service. Supt. Cuthbert confirmed the police will respond to all alarm calls.

Councillor Legendre wondered if staff would have the ability to recommend certain companies once they have information on which ones have a good record and which don't. Staff confirmed that with the database, they would be able to identify companies that have created problems and make recommendations to people who inquire.

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Moved by E. Buckingham

That a decision on the Alarm System Policy be deferred until such time as area municipalities have been consulted about their willingness to implement a licencing provision for alarm companies.

LOST

YEAS: E. Buckingham, B. Chiarelli, J. Legendre 3
NAYS: G. Baskerville, A. Boudreau, H. Kreling, P. Vice 4

Moved by E. Buckingham

That recommendation 4(2) be changed to read that a fee of \$60 be charged for each response to a false alarm beyond one in each three year period.

LOST

YEAS: E. Buckingham, J. Legendre 2
NAYS: G. Baskerville, A. Boudreau, B. Chiarelli, H. Kreling, P. Vice 5

Moved by H. Kreling

In addition to 5(a), that the Ottawa-Carleton Regional Police Services Board approach the Province of Ontario with a request for legislation authorizing police services boards to licence alarm companies.

CARRIED

Moved by H. Kreling

That a notice to alarm owners be inserted in the registration form indicating that private security companies provide response services, and that alarm owners may wish to inquire with their monitoring company on such services.

LOST

YEAS: H. Kreling, P. Vice 2
NAYS: G. Baskerville, A. Boudreau, E. Buckingham, B. Chiarelli, J. Legendre 5

The Board then voted on each report recommendation separately:

- 1. A one-time registration fee for every burglar alarm system, charged to alarm owners (\$26.00 for all residential and commercial properties under 2,000 square feet, \$52.00 for commercial properties over 2,000 square feet);**

CARRIED

YEAS: G. Baskerville, A. Boudreau, H. Kreling, P. Vice 4
NAYS: E. Buckingham, B. Chiarelli, J. Legendre ... 3

- 2. That a fee of \$60.00 be charged for each response to a false alarm;**

CARRIED

YEAS: G. Baskerville, A. Boudreau, B. Chiarelli, H. Kreling, P. Vice5
NAYS: E. Buckingham, J. Legendre 2

- 3. That the registration fee be added to the response fee of \$60.00 when police respond to an unregistered burglar alarm system;**

CARRIED

YEAS: G. Baskerville, A. Boudreau, E. Buckingham, H. Kreling, P. Vice 5
NAYS: B. Chiarelli, J. Legendre 2

- 4. That unpaid invoices be forwarded to a collection agency and that costs charged to the police service by the agency be added to the invoice; and**

CARRIED

YEAS: G. Baskerville, A. Boudreau, B. Chiarelli, H. Kreling, P. Vice 5
NAYS: E. Buckingham, J. Legendre 2

- 5. That the provisions regarding “compliance reports” and “compliance inspection fees” be deleted from the By-Law.**

CARRIED

And further, that the Ottawa-Carleton Regional Police Services Board:

- a) **Request the Ontario Association of Police Services Boards to lobby the provincial government to enact legislation allowing municipal police services boards to licence alarm companies, and that the Ottawa-Carleton Regional Police Service approach the Province of Ontario with a request for legislation authorizing police services boards to licence alarm companies;**

CARRIED as amended

- b) **Write to all mayors in the Ottawa-Carleton Region requesting that they consider transferring their authority for licensing alarm companies to the Ottawa-Carleton Regional Police Services Board.**

CARRIED

YEAS: G. Baskerville, A. Boudreau, E. Buckingham, H. Kreling, J. Legendre,
P. Vice 6
NAYS: B. Chiarelli ... 1

The Board then considered the full recommendations, as amended:

That the Ottawa-Carleton Regional Police Services Board adopt the following proposals for change to the Ottawa-Carleton Regional Police Services Board By-Law #3, 1996:

1. **A one-time registration fee for every burglar alarm system, charged to alarm owners (\$26.00 for all residential and commercial properties under 2,000 square feet, \$52.00 for commercial properties over 2,000 square feet);**
2. **That a fee of \$60.00 be charged for each response to a false alarm;**
3. **That the registration fee be added to the response fee of \$60.00 when police respond to an unregistered burglar alarm system;**
4. **That unpaid invoices be forwarded to a collection agency and that costs charged to the police service by the agency be added to the invoice; and**
5. **That the provisions regarding “compliance reports” and “compliance inspection fees” be deleted from the By-Law.**

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And further, that the Ottawa-Carleton Regional Police Services Board:

- a) **Request the Ontario Association of Police Services Boards to lobby the provincial government to enact legislation allowing municipal police services boards to licence alarm companies, and that the Ottawa-Carleton Regional Police Service approach the Province of Ontario with a request for legislation authorizing police services boards to licence alarm companies;**
- b) **Write to all mayors in the Ottawa-Carleton Region requesting that they consider transferring their authority for licensing alarm companies to the Ottawa-Carleton Regional Police Services Board.**

CARRIED as amended

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23 March 1998

ADOPTION OF BY-LAW

FALSE ALARM REDUCTION BY-LAW

- Chief's report dated 10 Mar 98

That the Ottawa-Carleton Regional Police Services Board adopt the False Alarm Reduction By-law, as amended.

CARRIED
(J. Legendre dissented)