

THE CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW 2022-034

**A By-law to Impose Fees for False Fire Alarms**

---

WHEREAS pursuant to Section 391 of the Municipal Act, 2001, c. 25 as amended, (the “Act”), 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 municipality’s property, including property under its control;

AND WHEREAS false alarms occur which necessitate response by the Fire Department;

AND WHEREAS these false alarm responses are costly to the Fire Department and the Town of Amherstburg;

NOW THEREFORE the Council of the Town of Amherstburg ENACTS AS FOLLOWS:

**1. DEFINITIONS**

In this By-Law:

“**Council**” means the Council of the Corporation of the Town of Amherstburg;

“**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, internal or external atmosphere conditions, 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;

“**Fire Alarm System**” shall mean a combination of devices designed to warn building occupants of an emergency condition.

“**Fire Chief**” shall mean the 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;

“**Fire Department**” shall mean the Town of Amherstburg Fire Department as provided for in section 2 of the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, as amended;

“**Occupant**” shall include:

- i) the person who is in physical possession of a building or land; or
- ii) the person who has responsibility for and control over the condition of a building or the activities carried on therein or control over persons allowed to enter the building;

“**Owner**” shall include any person who is an owner of land either jointly or in common with any other person or persons and shall include any or all of such persons;

“**Person**” means an individual, business, firm, corporation, association, partnership, or any combination thereof;

“**Property**” means a building or structure or part of a building or structure and includes the lands and premises appurtenant thereto and all mobile structures, outbuildings, fences and erections thereon, whether heretofore or hereafter erected;

“**Town**” means The Municipality of the Town of Amherstburg;

**2. APPLICATION**

2.1 This By-law shall apply to all Property within the jurisdiction of the Town of Amherstburg.

**3. ADMINISTRATION**

3.1 The Fire Chief is responsible for the administration of this By-law on behalf of the Town.

**4. RESPONSIBILITIES OF OWNERS AND OCCUPANTS**

4.1 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. FALSE ALARM**

5.1 The Fire Department will respond to three (3) False Alarms as defined herein, to any Property during any 12-month period without charge to the Property Owner/Occupant.

5.2 The Property Owner/Occupant will be required to pay the Town the prescribed fee, in accordance with the current council approved User Fee By-law 2022-001 as amended from time to time, for any False Alarm responded to by the Fire Department that occurs in excess to Section 5.1.

**6. FEE**

6.1 The Town will deliver the invoice personally, or by regular mail to the Property address or, in the case of the Owner, to the Owner's address as recorded on the Town's assessment role.

6.2 If any amount payable under this By-law remains unpaid after thirty (30) days of receipt of the invoice, the Town 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. SEVERABILITY**

7.1 Should any paragraph, clause or provision of the By-law be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of the By-law as a whole or any part of thereof, other than the part which was declared to be invalid.

**8. SHORT TITLE**

8.1 This By-law may be cited as the Fire False Alarm By-law.

**9. REPEAL**

9.1 "By-law 2015-26 is repealed"

Read a first, second and third time and finally passed this <sup>25</sup>~~XX~~<sup>APRIL</sup>~~XXX~~ day of ~~XXX~~ 2022.

  
MAYOR- ALDO DICARLO

  
CLERK- Valerie Critchley