

# THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI

## BY-LAW NO. 25-1829

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### Being a By-law to establish a system for the Reduction of False Alarms.

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#### WHEREAS

1. Fire-fighting services are provided within the Municipality of Temagami at its own expense by the Temagami and Marten River Fire Departments; and
2. These false alarms result in unnecessary emergency responses, which consume valuable firefighting and municipal resources; and
3. False Alarms may cause a delay of emergency responses to genuine emergency situations and pose a threat to public safety; and
4. Section 8 of the Municipal Act, 2001 provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Municipal Act; and
5. Section 9(1) of the Municipal Act, 2001 provides that sections 8 and 11 shall be interpreted broadly so as to confer broad authority on municipalities to (a) enable them to govern their affairs as they consider appropriate, and (b) enhance their ability to respond to municipal issues; and
6. Section 10 (1) of the Municipal Act, 2001, S.O. 2001 provides that a single-tier Municipality may provide any service or thing that the Municipality considers necessary or desirable for the public;

#### NOW THEREFORE

The Council of the Corporation of the Municipality of Temagami hereby enacts as follows:

## 1. Definitions

1.1. **Alarm Incident** shall mean any activation of an alarm system by any cause.

1.2. **Alarm System** shall mean any mechanical or electrical device or system of such devices installed in respect of subject premises, which device or system, when activated, emits within the subject premises or transmits to a monitoring company or any other person, a sound, signal or message in order to warn of fire or smoke at the subject premises ("fire alarm system") but does not include:

1.2.1. any such device or system installed in or on any premises occupied by the Municipality or

1.2.2. a fire alarm system that is intended to alert only the occupants of a single-family dwelling unit including a standard battery-operated or hardwired smoke alarm intended only for that dwelling.

1.3. **Council** shall mean the Council for the Municipality of Temagami.

1.4. **False Alarm** shall mean the activation of a fire alarm system as a result of which, Fire services are provided, and the fire service do not find any evidence of fire, fire damage, smoke in relation to the building, structure, residence or facility. False alarm incidents include but are not limited to:

1.4.1. the testing of an alarm system which results in any involvement of a Response Authority;

1.4.2. an alarm actually or apparently activated by mechanical failure, malfunction or faulty equipment;

1.4.3. an alarm activated by user error;

1.4.4. an alarm reporting a fire occurring on or in relation to the address in which the alarm system is installed where no evidence exists.

1.5. **Monitoring Company** shall mean any person engaged in the business of monitoring alarm systems installed in respect of subject premises.

1.6. **Person** shall mean an individual, sole proprietorship, partnership unincorporated association, unincorporated syndicate, unincorporated organization, trust, body corporate and a natural person in his or her capacity as a trustee, executor, administrator or other legal representative.

1.7. **Qualified Fire Alarm Technician** shall mean a person meeting the requirements of Division C, Section 1.2.1. of the Ontario Fire Code, O. Reg. 213/07 as amended.

1.8. **Response Authority** shall mean the Temagami Fire Department or the Marten River Fire Department.

1.9. **Response** shall mean any involvement by a Response Authority, pursuant to the direct or indirect reporting by any means of an alarm incident by a monitoring company or by any other person to the Municipality or response authority, including notification that an alarm incident has been cancelled.

1.10. **Responsible Party** shall mean any or all of the owner or owners of and the person or persons occupying the subject premises.

1.11. **Subject Premises** shall mean any property in respect of which an alarm system is installed.

1.12. **Municipality** shall mean the Corporation of the Municipality of Temagami.

1.13. **Valid Alarm** shall mean an alarm incident caused by fire or smoke at the subject premises.

## 2. General Prohibitions

2.1. A responsible party shall ensure at all times that its alarm system is kept in good working order and condition and that any users of the subject premises are kept fully apprised of the operation of the alarm system.

2.2. If a response is made to a false alarm, the Municipality may take the following action after any involvement or response to a false alarm, a fee or charge for the services

provided by the Municipality and/or response authority shall be imposed upon the responsible party.

2.3. This By-law shall not be construed at any time so as to hold the Municipality or its Officers liable for failing to ensure that persons comply with the provisions contained in the said By-law.

### **3. Notification required - work on alarm system**

No person shall undertake or permit any work to be conducted on any fire alarm system that sends an alarm directly to the Municipality, or to a fire alarm monitoring company, without in either case having first notified the fire alarm monitoring company and/or the Municipality.

### **4. Notification - false alarms**

When the vehicles, equipment and personnel of the Municipality respond to a false alarm, the Fire Chief shall mail or cause to be mailed a notice to the owner of said property advising of the occurrence(s) and of the consequences which may arise if further false alarms occur.

### **5. False Alarm Response Fees**

#### **5.1. Fees - false alarms - non-notified**

When the vehicles, equipment and personnel of the Municipality respond to a false alarm that is the result of a failure to notify the Municipality as required in Section 4, the owner of the property at which such a false alarm has occurred will be charged the non-notified false alarm response fee as set-out in the current Municipal User Fees and Charges By-Law

#### **5.2. Fees - false alarms - second response**

When the vehicles, equipment, and personnel of the Municipality respond to a second false alarm at the same address within a calendar year, the owner of the property at which the false alarms have occurred shall be charged the applicable false alarm response fee as set out in the most current Municipal User Fees and Charges By-law.

### **5.3. Fees - false alarms - third and subsequent response**

When the vehicles, equipment and personnel of the Municipality respond to three or more false alarms at the same address within a calendar year, the owner of the property at which the false alarms have occurred shall be charged the applicable false alarm response fee as set-out in the current Municipal User Fees and Charges By-Law

### **5.4. Fees - payable on or before due date**

The Fire Chief shall mail or cause to be mailed not less than sixty days prior to the due date identified therein an invoice for the applicable false alarm response fee to the owner of a property at which a false alarm of the type set out has occurred.

### **5.5. Fees - non-payment - collected like taxes**

A false alarm response fee imposed upon an owner, under Sections 5.1, 5.2, and 5.3 of this By-law, constitutes a debt of the owner to the Municipality and if the invoice for the applicable false alarm response fee is not paid by the due date identified therein, the Clerk shall add the fee to the tax roll of the owner's property and shall collect it in the same manner as municipal taxes.

## **6. Severability**

Where a court of competent jurisdiction declares any section or part of a section of this By-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this By-law that the remainder of this By-law shall continue in force and be applied and enforced in accordance with its terms to the fullest extent possible according to law.

## **CLERICAL AMENDMENTS**

The Clerk of the Municipality of Temagami is authorized to make minor corrections to this By-law after its passage. These corrections are limited to grammatical or typographical errors and must not alter the intent, substance, roles, responsibilities, or procedural requirements outlined in this By-law.

## **EFFECTIVE DATE**

This By-law comes into effect on the date of final passing.

## **FINAL PASSING**

Taken as read a first, second, and third time, and finally passed this 12th day of June, 2025.

Mayor: \_\_\_\_\_

Clerk: \_\_\_\_\_